
Lake Havasu City

Development Code

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Lake Havasu City
Development Services Department
2330 McCulloch Boulevard N.
Lake Havasu City, AZ 86403

LAKE HAVASU CITY
DEVELOPMENT CODE

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ARTICLE 6

Definitions

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CHAPTER 14.68 - DEFINITIONS/GLOSSARY

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14.68.010 - Purpose of Chapter

14.68.020 - Definitions of Specialized Terms and Phrases

14.68.010 - Purpose of Chapter

This Chapter provides definitions of terms and phrases used in this Development Code that are technical or specialized, or that may not reflect common usage. If any of the definitions in this Chapter conflict with definitions in other provisions of the Municipal Code, these definitions shall control for the purposes of this Development Code. If a word is not defined in this Chapter, or in other provisions of the Lake Havasu City Municipal Code, the Director shall determine the correct definition.

14.68.020 - Definitions of Specialized Terms and Phrases

As used in this Development Code, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise.

A. Definitions, "A."

Accessory Dwelling Unit. A second permanent dwelling that is accessory to a primary dwelling unit located on the same site. An accessory dwelling unit provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, sanitation, and parking, and if attached to the primary dwelling, is without interior access to the primary dwelling.

Accessory Living Quarters. A detached structure accessory to a single-family dwelling unit located on the same site, including permanent provisions for living, sleeping, eating, cooking, sanitation, and parking facilities.

Accessory Structures. A structure that is physically detached from, secondary and incidental to, and commonly associated with the primary structure. For the purposes of this Development Code, accessory structures and uses include: detached garages, greenhouses, artist's studios, and workshops; and any other open air enclosures, including gazebos and detached patio covers. These structures are to be considered non-living for setback purposes. No kitchen or bedroom closets shall be allowed.

Accessory Uses. A use customarily incidental to, related and clearly subordinate to a principal use established on the same lot, that does not alter the principal use nor serve property other than the lot where the principal use is located.

Adult Day Care Facilities. State-licensed facilities that provide non-medical care and supervision for adults for periods of less than 24 hours, with no overnight stays.

Adult Entertainment Business. Any adult bookstore, adult hotel or motel, adult motion picture arcade, adult motion picture theater, cabaret, or any other business or establishment that offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," but not including any use or activity, the regulation of which is preempted by state law.

Agent. A person authorized in writing by the property owner to represent and act for a property owner in contacts with City employees, committees, Boards, Commissions, and the Council, regarding matters regulated by this Development Code.

Airport Overlay Zoning District. The technical terms and phrases used in Section 14.14.020 (Airport (AP) Overlay Zoning District) are defined as follows.

1. **Airport.** Lake Havasu City municipal airport.
2. **Airport Elevation.** 783 feet above mean sea level.
3. **Approach Surface.** A surface longitudinally centered on the extended runway center line, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 14.14.020. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.
4. **Board of Adjustment.** A board consisting of seven members appointed by the Council as approved in Chapter 9.462.06 of the Laws of the State of Arizona.
5. **Conical Surface.** A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty to one for a horizontal distance of four thousand feet.
6. **Hazard to air navigation.** An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
8. **Horizontal Surface.** A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
9. **Larger than utility runway.** A runway that is constructed for and intended to be used by propeller-driven aircraft of greater than 12,500 pounds maximum gross weight and by jet-powered aircraft.
10. **Nonconforming Use.** Any preexisting structure, object of natural growth, or use of land which is inconsistent with the provisions of this Section or an amendment thereto.
11. **Nonprecision instrument runway.** A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

12. **Objects affecting navigable airspace.** Objects as defined by FAR (Federal Aviation Regulation) Part 77.
13. **Obstruction.** Any structure, growth or other object, including a mobile object, that exceeds a limiting height set forth in Section 14.14.020.
14. **Precision instrument runway.** A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.
15. **Primary Surface.** A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface or planned hard surface, the primary surface ends at each end of the runway. The width of the primary surface is set forth in Section 14.61.040 of this Section. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
16. **Runway.** A defined area on an airport prepared for landing and takeoff of aircraft along its length.
17. **Transitional Surfaces.** Surfaces which extend outward at ninety-degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces which project through and beyond the limits of the conical surface extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at ninety-degree angles to the extended runway centerline.
18. **Tree.** Any object of natural growth.
19. **Utility Runway.** A runway that is constructed for and intended to be used by propeller-driven aircraft of twelve thousand five hundred pounds maximum gross weight and less, i.e., airport approach categories A and B.
20. **Visual Runway.** A runway intended solely for the operation of aircraft using visual approach procedures.

Alcoholic Beverage Sales. The retail sale of beer, wine, and/or other alcoholic beverages for on- or off-premise consumption.

Alley. A public or private roadway, typically 30 feet wide, that provides vehicle access to the rear or side of lots having other public street frontage, that is not intended for general traffic circulation.

Allowed Use. A use of land identified by Article 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards) as a permitted or conditionally permitted use that may be established

with land use permit and, where applicable, site plan and design review and/or Building Permit approval, subject to compliance with all applicable provisions of this Development Code.

Alteration. Any construction or physical change in the internal arrangement of rooms or the supporting members of a structure, or a change in the external appearance of any structure, not including painting.

Animal Keeping. The keeping or raising of farm animals.

Antenna. One or more rods, panels, discs or similar devices used for the transmission or reception of radio or electromagnetic frequency signals.

1. **Omni-directional antenna** ("whip" antenna) transmits and receives radio frequency signals in a 360 degree radial pattern. For the purpose of this Development Code, an omni-directional antenna is up to 15 feet in height and up to seven inches in diameter.
2. **Directional antenna** ("panel" antenna) transmits and receives radio frequency signals in a specific directional pattern of less than 360 degrees.
3. **Parabolic antenna** ("dish" antenna) is a bowl-shaped device for the reception and transmission of radio frequency signals in a specific directional pattern. Also referred to as a satellite dish.

Apartment. See "Multi-Family Dwellings."

Approval. Includes both approval and approval with conditions.

Architectural Features. Exterior building features including roofs, windows, doors, porches, etc.

Area of a Lot. See "Lot Area."

Art, Antique, Collectible and Gift Stores. Retail sales uses including antique shops, art galleries, curio, gift, and souvenir shops, and the sales of collectible items including sports cards and comic books.

Artisan Shops. A retail store selling art glass, ceramics, jewelry, paintings, sculpture, and other handcrafted items, where the facility includes an area for the crafting of the items being sold.

Auto Sales and Rental. Retail establishments selling and/or renting automobiles, trucks and vans.

May also include repair shops and the sales of parts and accessories, incidental to vehicle dealerships. Does not include: the sale of auto parts/accessories separate from a vehicle dealership (see "Auto Parts Sales"); bicycle and moped sales (see "General Retail"); mobile home sales (see "Mobile Home and RV Sales"); tire recapping establishments (see "Auto Repair and Maintenance"); businesses dealing exclusively in used parts, (see "Recycling - Scrap and Dismantling Yards"); or "Gas Stations," which are separately defined.

Auto Parts Sales. Stores that sell new automobile parts, tires, and accessories. May also include minor parts installation (see "Vehicle Services"). Does not include tire recapping

establishments, which are found under "Vehicle Services" or businesses dealing exclusively in used parts, which are included under "Recycling - Scrap and Dismantling Yards."

Automated Teller Machines (ATM). Computerized, self-service machines used by banking customers for financial transactions, including deposits, withdrawals and fund transfers, without contact with financial institution personnel.

Automobile Dismantling Yards. See "Recycling - Scrap, and Dismantling Yards."

Average Lot Grade. The average elevation of a lot computed by adding the elevations at the intersection of the building setback lines and dividing by the number of intersections. Elevations shall be determined as referenced in Section 12.16.030 (Topographic plan).

B. Definitions, "B."

Banks and Financial Services. Financial institutions including:

banks and trust companies	securities/commodity contract brokers
credit agencies	and dealers
holding (but not primarily operating)	security and commodity exchanges
companies	vehicle finance (equity) leasing agencies
lending and thrift institutions	
other investment companies	

See also, "Automated Teller Machine," above.

Basement. Any building level completely below the grade of the building areas as established in compliance with this Development Code and Chapter 12.16 of the Municipal Code entitled "grading;" provided, that 40 percent of the wall area is below the intersection of the walls with natural grade as determined before construction. In residential areas basements may serve any residential function; provided, all other Municipal Code requirements are met.

Broadcasting Studios. Commercial and public communications uses including radio and television broadcasting and receiving stations and studios, with facilities entirely within buildings. Does not include transmission and receiving apparatus (e.g., antennas and towers), which are under the definition of "Telecommunications Facilities."

Building. See "Structure."

Building Material Stores. Retail establishments selling lumber and other large building materials, where most display and sales occur indoors. Includes paint, wallpaper, glass, and fixtures. Includes stores selling to the general public, even if contractor sales account for a major proportion of total sales. Includes incidental retail ready-mix concrete operations, except where excluded by a specific zoning district. Establishments primarily selling electrical, plumbing, heating, and air conditioning equipment and supplies are classified in "Warehousing, Wholesaling and Distribution." Hardware stores are listed in the definition of "General Retail Stores," even if they sell some building materials.

Business Support Services. Establishments primarily within buildings, providing other businesses with services including maintenance, repair and service, testing, rental, etc., also includes:

blueprinting	janitorial services
business equipment repair services (except vehicle repair, see "Vehicle Services")	mail advertising services (reproduction and shipping)
commercial art and design (production)	mail box services
computer-related services (rental, repair)	other "heavy service" business services
copying, quick printing, and blueprinting services	outdoor advertising services
equipment rental businesses within buildings (rental yards are "Storage Yards and Sales Lots")	photocopying
film processing laboratories	photofinishing
heavy equipment repair services where repair occurs on the client site	protective services (other than office related)
	soils and materials testing laboratories
	window cleaning

C. Definitions, "C."

Cabinet Shops. See "Furniture and Fixtures Manufacturing, Cabinet Shops."

Car Washes. Permanent, self-service and/or attended car washing establishments, including fully mechanized facilities. May include detailing services. Temporary car washes which are fund-raising activities, are typically conducted at a service station or other automotive-related business, where volunteers wash vehicles by hand, and the duration of the event is limited to one day. See 14.44.040 (Temporary Use Permits).

Caretaker Housing. A residence that is accessory to a nonresidential primary use of the site, where needed for security, or 24-hour care or supervision.

Chemical Product Manufacturing. Manufacturing facilities that produce or use basic chemicals, and other establishments creating products predominantly by chemical processes. Facilities included in this definition manufacture three general classes of products:

1. Basic chemicals, including acids, alkalies, salts, and organic chemicals;
2. Chemical products to be used in further manufacture, including synthetic fibers, plastic materials, dry colors, and pigments; and
3. Finished chemical products to be used for ultimate consumption, including drugs, cosmetics, and soaps; or to be used as materials or supplies in other industries including paints, fertilizers, and explosives.

Also includes sales and transportation establishments handling the chemicals described above in other than one of the uses listed under Retail Trade Uses in Article 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards).

Child Day Care Centers. A facility that provides non-medical care and supervision of minor children for periods of less than 24 hours.

City. Lake Havasu City, Arizona, referred to in this Development Code as the "City."

City Council. The Lake Havasu City Council, referred to in this Development Code as the "Council."

Clubs, Lodges, and Private Meeting Halls. Permanent, headquarters-type and meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, including facilities for:

business associations	political organizations
civic, social and fraternal organizations	professional membership organizations
labor unions and similar organizations	other membership organizations

Co-location. The use of a single support structure, including but not limited to, a building, monopole, lattice tower, or water tank, by more than one licensed personal wireless communication service provider.

Commercial Center. A grouping of non-residential business and service uses on a single site with common parking facilities.

Commission. See "Planning Commission."

Community Centers. Multi-purpose meeting and recreational facilities typically consisting of one or more meeting or multi-purpose rooms, kitchen, and/or outdoor barbecue facilities, that are available for use by various groups for activities including dances, meetings, parties, receptions, etc.

Community Gardens. A site used for growing plants for food, fiber, herbs, flowers, which is shared and maintained by nearby residents.

Concrete, Gypsum, and Plaster Product Manufacturing. Manufacturing establishments producing bulk concrete, concrete building block, brick and all types of precast and prefabricated concrete products. Also includes ready-mix concrete batch plants, lime manufacturing, and the manufacture of gypsum products, including plasterboard. A retail ready-mix concrete operation as an incidental use in conjunction with a building materials outlet is defined under "Building Material Stores."

Conditional Use Permit (and Minor Conditional Use Permit). A discretionary entitlement, which is subject to review and decision by the Director or the Commission, that may allow a use that is only allowable by the granting of the discretionary permit, in compliance with Section 14.44.050 (Conditional Use Permits).

Condominium. An interest in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest within space in a residential, commercial, or employment structure on the real property (e.g., apartment, office, plant, or store).

In addition, a condominium may include a separate interest in other portions of the real property.

Contractor Storage Yards. Storage yards to store contractor equipment and supplies.

Convenience Stores. Retail stores of 3,500 square feet or less in gross floor area, which carry a range of merchandise oriented to convenience and travelers' shopping needs. These stores may be part of a service station or an independent facility.

D. Definitions, "D."

Density. The number of housing units per gross acre, unless otherwise stated, for residential uses.

Department. The Lake Havasu Development Services Department, referred to in this Development Code as the "Department."

Detached. Any structure that does not have a wall or roof in common with another structure.

Development. Any construction activity or alteration of the landscape, its terrain contour or vegetation, including the erection or alteration of structures. New development is any construction, or alteration of an existing structure or land use, or establishment of a land use, after the effective date of this Development Code.

Development Code. The Lake Havasu City Development Code, Title 14 of the Lake Havasu City Municipal Code, referred to herein as "this Development Code."

Director. The Lake Havasu City Development Services Director, or designee of the Director.

District. See "Zoning District."

Display, Sexually Explicit. A picture or illustration displaying male or female genitals, pubic hair, perineum, anuses, or anal regions, the female breast or any portion thereof below the top of the nipple; the depiction of covered male genitals in a discernibly turgid state, where the picture or illustration depicting explicit sexual acts has as its purpose, or effect, sexual arousal, gratification or affront.

Drive-in and Drive-thru Sales. Facilities where food or other products may be purchased by motorists without leaving their vehicles. These facilities include fast-food restaurants, drive-through coffee, dairy product, photo stores, etc.

Drive-in and Drive-thru Services. Facilities where services may be obtained by motorists without leaving their vehicles. These facilities include drive-up bank teller windows, dry cleaners, etc. Does not include: automatic teller machines (ATMs) or automobile service stations, or car washes, which are separately defined.

Duplex. See "Dwelling, Multi-family."

Dwelling. A structure or portion thereof designed for or occupied for residential purposes, including attached garage or carport, one-family, two-family, and multi-family dwellings, but not including hotels, motels, and trailers.

Dwelling, one-family. Any detached structure containing only one dwelling unit.

Dwelling, two-family. Any structure containing only two dwelling units.

Dwelling, multi-family. One or more structures containing in total more than two dwelling units.

Dwelling unit. One or more rooms in a dwelling designed as a unit for occupancy by one family for living or sleeping purposes and having not more than one kitchen.

Dwelling unit, efficiency. One or more rooms in a dwelling designed (1) as a unit for occupancy that has no partitioned or private sleeping area, (2) for occupancy by one family for living or sleeping purposes and (3) having no more than one kitchen.

E. Definitions, "E."

Easement. A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

Electronics, Equipment, and Appliance Manufacturing. Establishments engaged in manufacturing machinery, apparatus, and supplies for the generation, storage, transmission, transformation and use of electrical energy, including:

appliances (e.g., stoves/ovens, refrigerators, freezers, laundry equipment, fans, vacuum cleaners, sewing machines)	miscellaneous electrical machinery, equipment and supplies (e.g., batteries, X-ray apparatus and tubes, electro medical and electrotherapeutic apparatus, electrical equipment for internal combustion engines)
aviation instruments	motors and generators
electrical transmission and distribution equipment	optical instruments and lenses
electronic components and accessories, and semiconductors, integrated circuits, related devices	photographic equipment and supplies
electronic instruments, components and equipment (e.g., calculators and computers)	pre-recorded magnetic tape
electrical welding apparatus	radio and television receiving equipment (e.g., television and radio sets, phonograph records and surgical, medical and dental instruments, equipment, and supplies)
lighting and wiring equipment (e.g., lamps and fixtures, wiring devices, vehicle lighting)	surveying and drafting instruments
industrial apparatus	telephone and telegraph apparatus
industrial controls	transformers, switch gear and switchboards
instruments for measurement, testing, analysis and control, associated sensors and accessories	watches and clocks

Does not include testing laboratories (soils, materials testing, etc.) (see "Business Support Services"), or research and development facilities separate from manufacturing (see "Research and Development").

Emergency Shelters. Facilities for the temporary shelter and feeding of indigents or disaster victims, operated by a public or non-profit agency.

Enhanced Specialized Mobile Radio. A digital wireless communication technology that specializes in providing dispatching services.

Enlargement of Use. The expansion of a land use activity on a site or within a structure so that the use/activity occupies more floor or site area.

Equestrian Facilities. Commercial horse, donkey, and mule facilities including horse ranches, boarding stables, riding schools and academies, horse exhibition facilities (for shows or other

competitive events), pack stations, and barns, stables, corrals and paddocks accessory and incidental to these uses.

Equipment Rental. Service establishments with outdoor storage/rental yards, which may offer a wide variety of materials and equipment for rental, including construction equipment.

Equipment Structure. With respect to telecommunications facilities, a structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for processing wireless communication signals. Associated equipment may include air conditioning, backup power supplies and emergency generators.

Exceptions. A waiver or adjustment to a specific development standard that is granted in a nondiscretionary manner with specified limits established by this Development Code.

Definitions/Glossary**F****F. Definitions, "F."**

FAA. The U.S. Federal Aviation Administration.

Fabric Product Manufacturing. Manufacturing establishments fabricating clothing, draperies, and other products by cutting and sewing purchased textile fabrics, and related materials (e.g., leather, rubberized fabrics, plastics and furs). Custom tailors and dressmakers not operating as a factory and not located on the site of a clothing store ("General Retail Stores") are instead included under "Personal Services." See also, "Textile and Leather Product Manufacturing."

Factory Built Housing. Also known as a "modular" housing unit, a dwelling that is constructed in a factory and assembled on the building site, and which complies with all applicable provisions of the adopted Building Code.

Family. An individual or two or more persons related by blood or marriage or legal adoption, or a group of not to exceed five persons (excluding servants) living together as a single housekeeping unit in a dwelling unit.

FCC. The U.S. Federal Communications Commission.

Feasible. Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

Flower Tower. A structure that integrates a monopole into a light pole or other utility pole.

Food and Beverage Manufacturing. Manufacturing establishments producing or processing foods and beverages for human consumption, and certain related products. Includes:

bakeries (wholesale)	fats and oil product manufacturing
bottling plants	fruit and vegetable canning, preserving, related
breweries	processing
candy, sugar and confectionery products	grain mill products and by-products
manufacturing	meat, poultry, and seafood canning, curing,
catering services separate from stores or	byproduct processing
restaurants	soft drink production
coffee roasting	miscellaneous food item preparation from raw
dairy products manufacturing	products

May include tasting and accessory retail sales of beverages produced on site. A tasting facility separate from the manufacturing facility is included under the definition of "Bars and Night Clubs" if alcoholic beverages are tasted, and under "Restaurant" if beverages are non-alcoholic.

Does not include: bakeries which sell all products on-site, which are included in the definition of "General Retail Stores;" or beer brewing as part of a brew pub, bar or restaurant (see "Night Clubs and Bars").

Furniture and Fixtures Manufacturing, Cabinet Shops. Manufacturers producing: wood and metal household furniture and appliances; bedsprings and mattresses; all types of office furniture and partitions, shelving, lockers and store furniture; and miscellaneous drapery hardware, window blinds and shades. Includes wood and cabinet shops, but not sawmills or

planing mills, which are instead included under "Lumber and Wood Product Manufacturing." Does not include the manufacture of household appliances ("Electronics, Equipment, and Appliance Manufacturing").

Furniture, Furnishings and Equipment Stores. Stores engaged primarily in selling the following products and related services, including incidental repair services:

draperies	lawn furniture
floor coverings	movable spas and hot tubs
furniture	office furniture
glass and chinaware	other household electrical and gas appliances
home appliances	outdoor furniture
home furnishings	refrigerators
home sound systems	stoves
interior decorating materials and services	televisions
large musical instruments	

G. Definitions, "G."

Garages, or Carports. Parking space and shelter for automobiles or other vehicles, where the size of the parking space complies with the provisions of Chapter 14.36 (Parking and Loading).

1. A garage is an attached or detached accessory structure with a door, enclosed on at least three sides.
2. A carport is an attached or detached accessory structure enclosed on no more than two sides.

A garage or carport complies with the requirements of this Development Code for "covered" parking spaces.

General Plan. The Lake Havasu City General Plan, including all its elements and all amendments to the General Plan, as adopted by the City Council.

General Retail Stores. Stores and shops selling many lines of merchandise. These stores and lines of merchandise include:

art galleries	gift and souvenir shops
artists' supplies	hardware
bakeries (all production in support of on-site sales)	hobby materials
bicycles	jewelry
books	luggage and leather goods
cameras and photographic supplies	musical instruments, parts and accessories
clothing and accessories	newsstands
collectibles (cards, coins, comics, stamps, etc.)	orthopedic supplies
department stores	pet supplies sales with no animals but fish
drug and discount stores	religious goods
dry goods	small wares
fabrics and sewing supplies	specialty shops
florists and houseplant stores (indoor sales only—outdoor sales are "Plant Nurseries")	sporting goods and equipment
furniture, home furnishings and equipment	stationery
general stores	toys and games
	variety stores

Glass Product Manufacturing. Manufacturing establishments producing flat glass and other glass products which are pressed, blown, or shaped from glass produced in the same establishment. Does not include artisan and craftsman type operations of a larger scale than home occupations; see "Handcraft Industries and Small Scale Manufacturing."

Golf Courses/Country Clubs. Golf courses, and accessory facilities and uses including: clubhouses with bar and restaurant, locker and shower facilities; driving ranges; "pro shops" for on-site sales of golfing equipment; and golf cart storage and sales facilities.

Grade. The ground surface immediately adjacent to the exterior base of a structure, typically used as the basis for measurement of the height of the structure.

Grand Opening. An advertising event which has as its purpose, the promotion of a newly opened use, a change in the orientation of a use or reopening of a use following a remodeling or major renovation.

Grocery Stores. A retail business where the majority of the floor area open to the public is occupied by food products packaged for preparation and consumption away from the site of the store.

Ground-Mounted. Mounted to a lattice tower, monopole, pole or other freestanding structure specifically constructed for the purpose of supporting antennae.

Group Care Home. A residentially based facility for the care of elderly or disabled persons with not-to-exceed five persons unrelated by blood or marriage in each residential unit. Group care homes include adult care homes, adult foster care homes, and group homes for the mentally retarded.

Guest Houses. A detached structure accessory to a single-family dwelling, accommodating living/sleeping quarters.

H. Definitions, "H."

Habitable Space. Space for living, sleeping, eating, or cooking.

Handcraft Industries. Establishments manufacturing and/or assembling small products primarily by hand, including jewelry, pottery and other ceramics, as well as small glass and metal art and craft products.

Hard surfaced. An acceptable form of parking space surfacing that includes brick pavers, grass-crete, and other similar forms of surfacing acceptable to the Director.

Health/Fitness Facilities. Fitness centers, gymnasiums, health and athletic clubs including any of the following: indoor sauna, spa or hot tub facilities; indoor tennis, handball, racquetball, archery and shooting ranges and other indoor sports activities.

Health/Fitness Facilities, Personal Training. A personal service use for weight training where each client is provided a personal trainer, training is available only by appointment, and facilities are limited to weight training machines and equipment, and showers.

Height. For the purpose of determining the height limits established by this Development Code in compliance with Section 14.30.070 (Height Measurement and Exceptions).

Heliport. A designated, marked area on the ground or the top of a structure where helicopters may land.

High Water Mark. The elevation of the surface of Lake Havasu at 450 feet above mean sea level.

Home Occupation. The conduct of a business within a dwelling unit or residential site, employing occupants of the dwelling, with the business activity being subordinate to the residential use of the property.

Hotels or Motels. Facilities with guest rooms or suites, provided with or without kitchen facilities, rented to the general public for transient lodging (less than 30 days). Hotels provide access to most guest rooms from an interior walkway, and typically include a variety of services in addition to lodging; for example, restaurants, meeting facilities, personal services, etc. Motels provide access to most guest rooms from an exterior walkway. Also includes accessory guest facilities (e.g., swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, etc.)

Household Pets. The keeping of birds, cats, dogs, or other common household pets, as determined by the Director, accessory to a residential use.

I. Definitions, "I."

Illegal Building or Use. A building or use that does not conform to one or more of the provisions of this Development Code, and did not lawfully exist on the effective date of applicable provisions of this Development Code.

Improvement. Any fixture or embellishment affixed to public or private real property (e.g., a bollard, fence, gate, landscaping, park furniture, parking facility, paving, sidewalk, street light, street sign, streetscape, structure, tree, wall, work of art), or other object constituting a physical feature of real property or any part of the feature.

Incentives. The benefit offered by the City to facilitate construction of eligible projects as defined by the provisions of this Chapter. Incentives may include adjustment of development standards, expedited processing of entitlements, relaxation of otherwise applicable entitlement conditions, and provisions for mixed-use activities.

Indoor Amusement and Entertainment Facilities. Establishments providing indoor amusement and entertainment services for a fee or admission charge, including:

- bowling alleys
- dance halls and ballrooms
- electronic game arcades
- ice skating and roller skating
- pool and billiard rooms as primary uses

Four or more electronic games or coin-operated amusements in any establishment, or a premises where 50 percent or more of the floor area is occupied by amusement devices, are considered an electronic game arcade as described above, three or less machines are not considered a land use separate from the primary use of the site.

Infill Development. Development proposed on a vacant lot that is located among other lots that are already developed.

Intensification of Use. A change in the use of a structure or site, where the new use is required by Chapter 14.40 (Parking, Loading, and Access) to have more off-street parking spaces than the former use; or a change in the operating characteristics of a use (for example, hours of operation), which generate more activity on the site.

J. Definitions, "J."

Junk. Used or discarded materials or objects, which may include building materials, scrap, wood, paper, or rags, some of which may be re-usable.

K. Definitions, "K."

Kennels, Animal Hospitals, Boarding, and Veterinarians. Facilities for the keeping, boarding or maintaining of five or more dogs (four months of age or older), or five or more cats except for dogs or cats for sale in pet shops, or patients in animal hospitals. Office and indoor medical treatment facilities used by veterinarians, including large and small animal veterinary clinics, and animal hospitals. The keeping of animals under care over night is acceptable.

Kitchen. A room or space within a building intended to be used for the cooking or preparation of food.

L. Definitions, "L."

Land Use Permit. Authority granted by the City to use a specified site for a particular purpose, including Conditional Use Permits, Temporary Use Permits, Variances, and Zoning Clearances, as established by Article 4 (Land Use and Development Permit Procedures) of this Development Code.

Lattice Tower. A structure with three or four steel support legs that supports a variety of antennae.

These towers generally range in height from 60 to 200 feet and are constructed in areas where increased height is needed, microwave antennas are required, or where the weather demands a more structurally-sound design.

Laundries and Dry Cleaning Plants. Service establishments engaged primarily in high volume laundry and garment services, including: laundries; garment pressing and dry cleaning; linen supply; diaper service; industrial laundries; carpet and upholstery cleaners. Does not include coin-operated laundries or dry cleaning pick-up stores without dry cleaning equipment; see "Personal Services."

Libraries and Museums. Public or quasi-public facilities including aquariums, arboretums, art exhibitions, botanical gardens, historic sites and exhibits, libraries, museums, and planetariums, which are generally non-commercial in nature.

Live/Work Facilities. An integrated housing unit and working space, occupied and utilized by a single household in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes:

1. Complete kitchen space and sanitary facilities in compliance with the adopted Building Code; and
2. Working space reserved for and regularly used by one or more occupants of the unit.

Lot Area. Gross lot area is the total area included within the lot lines of a lot, exclusive of adjacent dedicated street rights of way. The total of the area measured in a horizontal plane, within the lot lines bounding the lot, exclusive of the access strip required to serve a flag lot.

Lot. A recorded lot or lot of real property under single ownership, lawfully created as required by the Subdivision Map Act and City ordinances, including this Development Code. Types of lots include the following. See Figure 6-1 (Lot Types).

1. **Corner lot.** A lot located at the intersection of two or more streets, where they intersect at an interior angle of not more than 135 degrees. If the intersection angle is more than 135 degrees, the lot is considered an interior lot.
2. **Flag lot.** A lot having access from the building site to a public street by means of private right-of-way strip that is owned in fee.
3. **Interior lot.** A lot abutting only one street.
4. **Reverse corner lot.** A corner lot, the street side line of which is substantially a continuation of the front lot line of the first lot to its rear.
5. **Through lot.** A lot with frontage on two generally parallel streets.

Lot Coverage. See "Site Coverage."

Lot Depth. The average linear distance between the front and the rear lot lines or the intersection of the two side lot lines if there is no rear line. See Figure 6-2 (Lot Features). The Director shall determine lot depth for lots of irregular configuration.

Lot Frontage. The boundary of a lot adjacent to a public street right-of-way.

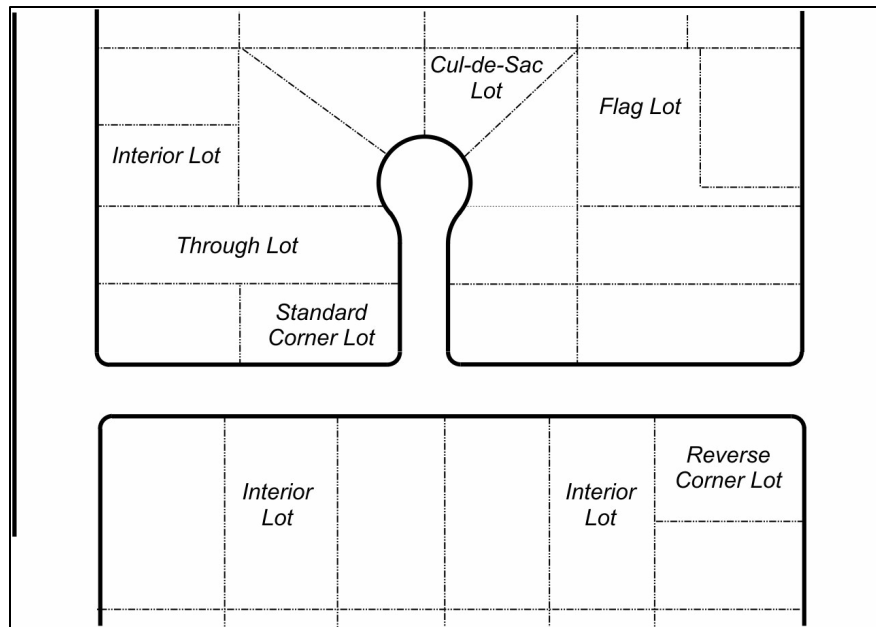
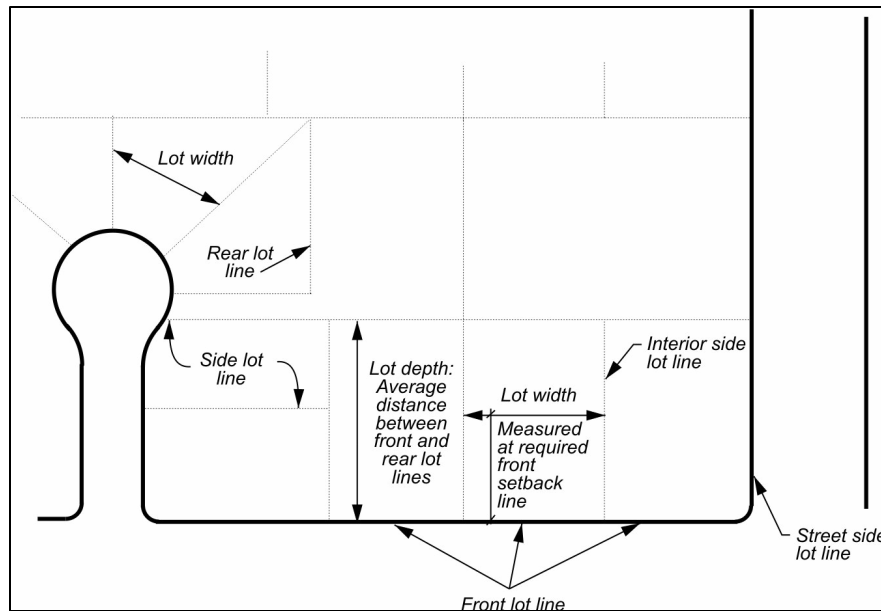


Figure 6-1 - Lot Types

**Figure 6-2 - Lot Features**

Lot Line or Property Line. Any recorded boundary of a lot. Types of lot lines are as follows (see Figure 6-2 (Lot Features)):

1. **Front Lot Line.** On an interior lot, the property line separating the lot from the street. The front lot line on a corner lot is the line with the shortest frontage. (If the street-fronting lot lines of a corner lot are equal in length, the front lot line shall be determined by the Director.) On a through lot, both lot lines are front lot lines and the lot is considered to have no rear lot line.
2. **Interior Lot Line.** Any lot line not abutting a street.
3. **Rear Lot Line.** A property line that does not intersect the front lot line, which is most distant from and most closely parallel to the front lot line.
4. **Side Lot Line.** Any lot line that is not a front or rear lot line.

Lot Width. The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines. See Figure 6-2 (Lot Features). The Director shall determine lot width for lots of irregular shape.

Lumber and Wood Product Manufacturing. Manufacturing, processing, and sales uses involving the milling of forest products to produce rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes. Includes the following processes and products:

- containers, pallets and skids
- milling operations
- trusses and structural beams
- turning and shaping of wood products
- wholesaling of basic wood products
- wood product assembly

Craft-type shops are included in "Handcraft Industries." Other wood and cabinet shops are included under "Furniture and Fixture Manufacturing." The indoor retail sale of building materials, construction tools and equipment is included under "Building Material Stores."

M. Definitions, "M."

Machinery Manufacturing. The manufacturing of machinery and equipment used: for the manufacturing of other products; as parts in the assembly of other products; and for end-use purposes, including the following:

construction equipment	industrial molds
conveyors	laundry and dry cleaning
cranes	materials handling
die casting	mining
dies	oil field equipment
dredging	paper manufacturing
engines and turbines	passenger and freight elevators
farming and gardening	pistons
food products manufacturing	printing
gear cutting	pumps
heating, ventilation, air conditioning	refrigeration equipment
industrial trucks and tractors	textile manufacturing
industrial furnaces and ovens	

Major Wireless Communication Facilities. A wireless communication facility that:

1. Is ground-mounted on property not within the public right-of-way;
2. Is ground-mounted within the public right-of-way, but does not qualify as a microcell facility; or
3. Is roof- or structure-mounted and exceeds 10 feet in height and/or exceeds the maximum height allowed in the zoning district in which the facility is located.

Marinas. A recreationally oriented harbor that may include mooring, launching, and other facilities and services related to boating and recreational fishing, including: boat building and repair; marine hardware sales and service; petroleum storage and handling; boat storage and miscellaneous storage activities.

Marine Products Manufacturing. Manufacturing establishments engaged in the construction of boats and personal watercraft, or the manufacture and/or assembly of related hardware and accessories (e.g., fittings, sails, etc.). These uses may also include repair services for the products of the business.

Marine Products Rental, Service, and Storage. Service establishments providing: boats and personal watercraft for rental; boat and watercraft maintenance and repair services; or facilities for boat storage.

Medical Services - Clinics, Offices, and Laboratories. Facilities primarily engaged in furnishing outpatient medical, mental health, surgical and other personal health services, but which are separate from hospitals, including:

health management organizations (HMOs)
 medical and dental laboratories
 medical, dental and psychiatric offices
 out-patient care facilities
 other allied health services

Counseling services by other than medical doctors or psychiatrists are included under "Offices."

Medical Services - Extended Care. Residential facilities providing nursing and health-related care as a primary use with in-patient beds, (e.g., board and care homes; convalescent and rest homes; extended care facilities; skilled nursing facilities). Long-term personal care facilities that do not emphasize medical treatment are included under "Residential Care Homes."

Medical Services - Hospitals. Hospitals and similar facilities engaged primarily in providing diagnostic services, and extensive medical treatment, including surgical and other hospital services.

These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. May include on-site accessory clinics and laboratories, accessory retail uses and emergency heliports (see the separate definition of "Accessory Retail Uses").

Metal Products Fabrication, Machine and Welding Shops. Establishments engaged primarily in the assembly of metal parts, including the following uses that produce metal duct work, tanks, towers, cabinets and enclosures, metal doors and gates, and similar products.

blacksmith and welding shops
 sheet metal shops
 machine shops and boiler shops

Metal Products Manufacturing. Manufacturing establishments engaged in the smelting and refining of ferrous and nonferrous metals from ore, pig, or scrap; in the rolling, drawing, and alloying of ferrous and nonferrous metals; in the manufacture of castings, forgings, stampings, extrusions and other basic products of ferrous and nonferrous metals; and in the manufacture of nails, spikes, and insulated wire and cable.

Microbrewery. A facility where beer brewed on the premises is sold for on-site consumption.

Microcell. A wireless communication facility that:

1. Contains a maximum of four whip or panel antennae. Each whip antenna does not exceed four inches in diameter and four feet in length. Each panel antenna does not exceed two square feet in surface area;
2. Contains a maximum of one microwave antenna no larger than 10 square feet in surface area;

3. Has an array of antennae less than 10 feet in height;
4. Is roof- or structure-mounted or, if within the public right-of-way, is located on top of a light pole or telephone pole or a metal or precast concrete monopole (similar in design to a street light pole or street tree); and
5. Has a total height, if roof- or structure-mounted, that does not exceed the maximum height allowed in the zoning district in which the facility is located.

Mini-Markets. See definition for Convenience Store.

Mini-Storage Facilities. See definition for Storage - Personal Storage Facility (mini-storage).

Minor Wireless Communication Facilities. A wireless communication facility that:

1. Consists of a microcell; and
2. Is roof- or structure-mounted and is less than 10 feet in height and does not exceed the maximum height allowed in the zoning district in which the facility is located.

Mixed-Use Projects. A project which combines both commercial and residential uses.

Mobile Homes. A trailer, transportable in one or more sections, that is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, which is over eight feet in width and 40 feet in length, with or without a permanent foundation and not including recreational vehicle, commercial coach or factory-built housing. Also known as "Manufactured Housing." Does not include modular, "factory built" housing units.

Mobile Home and Recreational Vehicle Sales. Retail establishments selling and/or renting the following new or used vehicles and products:

boats campers/camper shells golf carts jet skis mobile homes	motor homes motorcycles snowmobiles travel/recreational trailers other recreational vehicles
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May also include repair shops and the sales of parts and accessories, incidental to vehicle dealerships. Does not include: parts/accessory sales separate from a vehicle dealership (see "Auto Parts Sales"); or bicycle and moped sales (see "General Retail Stores").

Mobile Home Parks. Any site that is planned and improved to accommodate two or more mobile homes used for residential purposes, or on which two or more mobile home lots are rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate mobile homes used for residential purposes.

Modular Housing Units. See "Factory Built Housing."

Monopole. A structure composed of a single spire used to support antennae and related equipment.

Mortuaries and Funeral Homes. Funeral homes and parlors, where deceased are prepared for burial or cremation, and funeral services may be conducted.

Mounted. Attached or supported.

Multi-Family Dwellings. See "Dwelling, Multi-family."

N. Definitions, "N."

Night Clubs and Bars. Any bar, cocktail lounge, discotheque, or similar establishment, which may also provide live entertainment (music and/or dancing, comedy, etc.) in conjunction with alcoholic beverage sales. These facilities do not include bars that are part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a brew pub or micro-brewery.

Nonconforming Lot. A lot that was legally created prior to the adoption of this Development Code and which does not conform to current Code provisions/standards (e.g., access, area or width requirements, etc.) prescribed for the zoning district in which the lot is located.

Nonconforming Sign. A sign which lawfully existed prior to the effective date of this Development Code, or any amendment thereto, but which fails by reason of adoption or amendment to conform to all of the standards and regulations of the adopted or amended provision.

Nonconforming Structure. A structure that was legally constructed prior to the adoption of this Development Code and which does not conform to current Code provisions/standards (e.g., open space, distance between structures, etc.) prescribed for the zoning district in which the structure is located.

Nonconforming Use. A use of a structure (either conforming or nonconforming) or land that was legally established and maintained prior to the adoption of this Development Code and which does not conform to current Code provisions governing allowable land uses for the zoning district in which the use is located.

O. Definitions, "O."

Occupancy. All or a portion of a structure occupied by one tenant.

Offices. This Development Code distinguishes between the following types of office facilities. These do not include: medical offices (see "Medical Services - Clinics and Laboratories"); or offices that are incidental and accessory to another business or sales activity that is the primary use.

Incidental offices that are customarily accessory to another use are allowed as part of an approved primary use.

1. **Administrative/Business.** Establishments providing direct services to consumers, (e.g., insurance agencies, real estate offices, utility company offices, etc.)
2. **Government.** City, and other local, state, and federal government agency or service facilities.
Includes post offices, but not bulk mailing distribution centers, which are under "Vehicle and Freight Terminals."

3. Production and Processing. Office-type facilities occupied by businesses engaged in the production of intellectual property. These uses include:

advertising agencies	educational, scientific and research
architectural, engineering, planning and	organizations
surveying services	media postproduction services
computer software production and	photography and commercial art studios
programming services	writers and artists offices

4. Professional. Professional offices including:

accounting, auditing and bookkeeping services	detective agencies and similar services
attorneys	employment, stenographic, secretarial and
counseling services	word processing services
court reporting services	literary and talent agencies
data processing services	management and public relations services

5. Temporary. A mobile home, recreational vehicle or modular unit used as a temporary office facility. Temporary Offices may include: construction supervision offices on a construction site or off-site construction yard; a temporary on-site real estate office for a development project; or a temporary business office in advance of permanent facility construction.

Off-site. An activity or accessory use that is related to a specific primary use, but is not located on the same site as the primary use.

On-site. An activity or accessory use that is related to a specific primary use, which is located on the same site as the primary use.

Ordinary Maintenance and Repair. Any work for which a Building Permit is not required, the purpose and effect of which is to correct deterioration of or damage to a structure or any part thereof and to restore the structure to its condition before the deterioration or damage.

Organizational Houses. Residential lodging facilities operated by membership organizations for their members and not open to the general public. Includes fraternity and sorority houses, student dormitories, convents, monasteries, and religious residential retreats.

Outdoor Commercial Recreation. Facilities for various outdoor participant sports and types of recreation where a fee is charged for use, including:

amphitheaters	stadiums and coliseums
amusement and theme parks	swim and tennis clubs
golf driving ranges	tennis courts
health and athletic club outdoor facilities	water slides
miniature golf courses	zoos
skateboard parks	

May also include commercial facilities customarily associated with the above outdoor commercial recreational uses, including bars and restaurants, video game arcades, etc. Does not include parks and playgrounds, which are separately defined.

Outdoor Retail Sales and Activities. Permanent outdoor sales and rental establishments including lumber and other material sales yards, newsstands, street vendors, outdoor facilities for

the sale or rental of other vehicles/equipment, and other uses where the business is not conducted entirely within a structure.

Outdoor Retail Sales, Temporary. Temporary outdoor retail operations including:

Christmas trees, pumpkins or the sale of other seasonal items
farmers' markets
semi-annual sales of art/handcrafted items in conjunction with community festivals or art shows
sidewalk or parking lot sales longer than one weekend

P. Definitions, "P."

Paper Product Manufacturing. The manufacture of paper and paperboard, from both raw and recycled materials, and their conversion into products including paper bags, boxes, envelopes, wallpaper, etc.

Parcel. See "Lot."

Parking Facilities/Vehicle Storage. Service establishments in the business of storing operative cars, trucks, buses, recreational vehicles, and other motor vehicles for clients. Includes both day use and long-term public and commercial garages, parking lots and structures, except when accessory to a primary use. (All primary uses are considered to include any customer or public use off-street parking required by this Development Code.) Includes sites where vehicles are stored for rental or leasing. Does not include dismantling yards (classified in "Recycling Facilities - Scrap and Dismantling Yards").

Parks and Playgrounds. Public parks, play lots, playgrounds, and athletic fields for non-commercial neighborhood or community use, including tennis courts. If privately-owned, the same facilities are included under the definition of "Private Residential Recreation Facilities." See also "Outdoor Commercial Recreation."

Paving and Roofing Materials Manufacturing. The manufacture of various common paving and petroleum-based roofing materials, including bulk asphalt, paving blocks made of asphalt, creosote wood and various compositions of asphalt and tar. The manufacture of wood roofing materials (shingles, shakes, etc.) is included under "Lumber and Wood Product Manufacturing."

Pawn Shops. Indoor retail establishments that accept personal property as collateral for loans, and offer the property for sale to the public.

Pedestrian Orientation. Any physical structure or place with design qualities and elements that contribute to an active, inviting and pleasant place for pedestrians including but not limited to:

1. Highly articulated facades at the street level with interesting uses of material, color, and architectural detailing, located directly behind the sidewalk at the build-to line;
2. Design amenities related to the street level (e.g., arcades, awnings, paseos);
3. Visibility into buildings at the street level;

4. Continuity of the sidewalk with a minimum of intrusions into pedestrian right-of-way;
5. Continuity of building facades along the street with few interruptions in the progression of buildings and stores;
6. Signs oriented and scaled to the pedestrian rather than the motorist;
7. Landscaping; and
8. Street furniture.

Pedestrian Oriented Use. A use which is intended to encourage walk-in customers and which generally does not limit the number of customers by requiring appointments or otherwise excluding the general public. A pedestrian oriented use provides spontaneous draw from sidewalk and street due to intense and surprising visual interest, high customer turnover and intense social interaction.

Permitted Use. Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Person. Any individual, firm, co-partnership, corporation, company, association, joint stock association; city, county, state, or district; and includes any trustee, receiver, assignee, or other similar representative thereof.

Personal Communication Services. A digital wireless communication technology that has the capacity for multiple communication services and provides a system in which calls are routed to individuals rather than places, regardless of location.

Personal Services. Establishments providing non-medical services as a primary use, including:

barber and beauty shops clothing rental dry cleaning pick-up stores with limited equipment home electronics and small appliance repair	laundromats (selfservice laundries) shoe repair shops tailors
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These uses may also include accessory retail sales of products related to the services provided.

Planning Commission. The Lake Havasu City Planning Commission, appointed by the Lake Havasu City Council, and referred to throughout this Development Code as the "Commission."

Plant Nurseries and Garden Supply Stores. Commercial agricultural establishments engaged in the production of ornamental plants and other nursery products, grown under cover or outdoors.

Includes stores selling these products, nursery stock, lawn and garden supplies, and commercial scale greenhouses. The sale of house plants or other nursery products entirely within a building is also included under "General Retail Stores." Home greenhouses are included under "Residential Accessory Uses and Structures."

Plastics and Rubber Product Manufacturing. The manufacture of rubber products including: tires; rubber footwear; mechanical rubber goods; heels and soles; flooring; and other rubber

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products from natural, synthetic or reclaimed rubber. Also includes establishments engaged primarily in manufacturing tires. Also includes: establishments engaged in molding primary plastics for other manufacturers, and manufacturing miscellaneous finished plastics products;

fiberglass manufacturing, and fiberglass application services. Establishments engaged primarily in recapping and retreading automobile tires are classified in "Vehicle Services - Major Repair/Body Work."

Primary Structure. A structure that accommodates the primary use of the site.

Primary Use. The main purpose for which a site is developed and occupied, including the activities that are conducted on the site a majority of the hours during which activities occur.

Primary Zoning District. The zoning district applied to a site by the Zoning Map, to which an overlay zoning district may also be applied.

Private Residential Recreation Facilities. Privately-owned, non-commercial outdoor recreation facilities provided for members or project/neighborhood residents, including swim and tennis clubs, park and sport court facilities. Does not include golf courses/ country clubs, which are separately defined.

Property Line. The recorded boundary of a lot of land.

Proposed Project. A proposed new structure, new addition to an existing structure, or area of other new site development; these do not include the alteration of any portion of an existing structure other than an addition.

Public Safety Facilities. Facilities operated by public agencies including fire stations, other fire prevention and fire fighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities.

Public Utility Facilities. Fixed-base structures and facilities serving as junction points for transferring utility services from one transmission voltage to another or to local distribution and service voltages. These uses include any of the following facilities:

- electrical substations and switching stations
- natural gas regulating and distribution facilities
- public water system wells, treatment plants and storage
- telephone switching facilities
- wastewater treatment plants, settling ponds and disposal fields

These uses do not include office or customer service centers (classified in "Offices"), or equipment and material storage yards.

Q. Definitions, "Q."

Qualifying Resident. Senior citizens or other persons eligible to reside in senior citizen housing.

R. Definitions, "R."

Razor Wire. A continuous coil of stainless steel ribbon with razor type barbs or sharp points.

Recreational Vehicles (RV). A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, originally designed for human habitation for recreational, emergency, or other occupancy, which meets all of the following criteria:

1. It contains less than 320 square feet of internal living room area, excluding built-in equipment, including wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms;
2. It contains 400 square feet or less of gross area measured at maximum horizontal projections;
3. It is built on a single chassis; and
4. It is either self-propelled, truck-mounted, or permanently towable on the highways without a towing permit.

Recreational Vehicle Parks. A site where one or more lots are used, or are intended to be used, by campers with recreational vehicles or tents. Recreational vehicle parks may include public restrooms, water, sewer, and electric hookups to each lot and are intended as a higher density, more intensively developed use than campgrounds. May include accessory retail uses where they are clearly incidental and intended to serve RV park patrons only.

Recycling Facilities. This land use type includes a variety of facilities involved with the collection, sorting and processing of recyclable materials.

1. **Collection Facilities.** A center where the public may donate, redeem or sell recyclable materials, which may include the following, where allowed by the applicable zoning district:
 - a. Reverse vending machine(s);
 - b. Small collection facilities which occupy an area of 350 square feet or less and may include:
 - (1) A mobile unit;
 - (2) Bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet; and
 - (3) Kiosk-type units which may include permanent structures.
 - c. Large collection facilities which occupy an area of more than 350 square feet and/or include permanent structures.

2. **Mobile Recycling Units.** An automobile, truck, trailer, or van used for the collection of recyclable materials, carrying bins, boxes, or other containers.
3. **Processing Facilities.** A structure or enclosed space used for the collection and processing of recyclable materials for shipment, or to an end-user's specifications, by a means as baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, remanufacturing, and shredding. Processing facilities include the following types, both of which are included under the definition of "Scrap and Dismantling Yards," below:
 - a. Light processing facility occupies an area of under 45,000 square feet of collection, processing and storage area, and averages two outbound truck shipments each day. Light processing facilities are limited to baling, briquetting, compacting, crushing, grinding, shredding and sorting of source separated recyclable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact, or bale ferrous metals other than food and beverage containers; and
 - b. A heavy processing facility is any processing facility other than a light processing facility.
4. **Recycling Facilities.** A center for the collection and/or processing of recyclable materials.
A recycling facility does not include storage containers located on a residentially, commercially or industrially designated site used solely for the recycling of material generated on the site. See "Collection Facility" above.
5. **Recycling or Recyclable Material.** Reusable domestic containers and other materials which can be reconstituted, remanufactured, or reused in an altered form, including glass, metals, paper and plastic. Recyclable material does not include refuse or hazardous materials.
6. **Reverse Vending Machines.** An automated mechanical device which accepts at least one or more types of empty beverage containers and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value, as determined by State law. These vending machines may accept aluminum cans, glass and plastic bottles, and other containers.

A bulk reverse vending machine is a reverse vending machine that is larger than 50 square feet, is designed to accept more than one container at a time, and issues a cash refund based on total weight instead of by container.
7. **Scrap and Dismantling Yards.** Outdoor establishments primarily engaged in assembling, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap, and the incidental wholesale or retail sales of parts from those vehicles. Includes light and heavy processing facilities for recycling (see the definitions above). Does not include: places where these activities are conducted entirely within buildings; pawn shops, and other secondhand stores; the sale of operative used cars; or landfills or other waste disposal sites.

Religious Facilities. Facilities operated by religious organizations for worship, or the promotion of religious activities, including churches, mosques, synagogues, temples, etc., and religious schools; and accessory uses on the same site (e.g., living quarters for ministers and staff, and child day care facilities) where authorized by the same type of land use permit required for the religious facility itself. Other establishments maintained by religious organizations (e.g., full-time educational institutions, hospitals and other potentially related operations (e.g., a recreational camp) are classified according to their respective activities).

Research and Development (R&D). Indoor facilities for scientific research, and the design, development and testing of electrical, electronic, magnetic, optical and mechanical components in advance of product manufacturing, that are not associated with a manufacturing facility on the same site. Includes chemical and biotechnology research and development. Does not include computer software companies (see "Offices - Production"), soils and other materials testing laboratories (see "Business Support Services"), or medical laboratories (see "Medical Services - Clinics and Labs").

Residential Accessory Uses and Structures. Any use or structure that is customarily a part of, and clearly incidental and secondary to, a residence and does not change the character of the residential use. These uses include the following detached accessory structures, and other similar structures normally associated with a residential use of property:

garages
gazebos
greenhouses
storage sheds

studios
tennis and other on-site sport courts
workshops

Also includes the indoor storage of automobiles (including their incidental restoration and repair), personal recreational vehicles and other personal property, accessory to a residential use. Does not include home satellite dish and other receiving antennas for earth-based TV and radio broadcasts; see "Telecommunications Facilities."

Residential Care Homes. Facilities providing residential social and personal care for children, the elderly, and people with limited ability for self-care, but where medical care is not a major element.

Includes: children's homes; transitional houses; orphanages; rehabilitation centers; self-help group homes. Convalescent homes, nursing homes and similar facilities providing medical care are included under the definition of "Medical Services - Extended Care."

Residential District or Zone. Any of the residential zoning districts established by Chapter 14.04 (Zoning Map).

Restaurants. A retail business selling food and beverages prepared on the site, for on- or off-premise consumption. These include eating establishments where customers are served from a walk-up ordering counter for either on- or off-premise consumption, and establishments where most customers are served food at tables for on-premise consumption, but may include providing food for take-out. Also includes coffee houses.

Restaurant - Outdoor Dining. A restaurant or other eating establishment where tables and seating are provided and food and/or beverages are served in outdoor areas, which front a street,

and have at least one side open. For purposes of parking calculations, these do not include interior courtyard areas.

Review Authority. The individual or official City body (the Planning Director, Board of Adjustment, Zoning Administrator, Planning Commission, or City Council) identified by this Development Code as having the responsibility and authority to review, and approve or disapprove the permit applications described in Article 4 (Development Code Administration).

Roof-Mounted. Mounted above the eave line of a structure.

Room Rental. The renting of individual bedrooms within a dwelling and/or the providing of table board to two or more unrelated people, whether or not meals are provided.

S. Definitions, "S."

Satellite Dishes. See definition for Telecommunication Facilities.

Schools. Public and private educational institutions, including:

boarding schools	high schools
business, secretarial, and vocational schools	military academies
community colleges, colleges and universities	professional schools (law, medicine, etc.)
elementary, middle, and junior high schools	seminaries/religious ministry training facilities
establishments providing courses by mail	

Also includes specialized schools offering instruction in the following:

art	driver education
ballet and other dance	language
computers and electronics	music
drama	

Also includes facilities, institutions and conference centers that offer specialized programs in personal growth and development (e.g., fitness, environmental awareness, arts, communications, and management). Does not include pre-schools and child day care facilities (see "Child Day Care Facilities"). See also the definition of "Studios - Art, Dance, Music, Photography, etc." for smaller-scale facilities offering specialized instruction.

Scrap. Used metal, including appliances and machine parts, which can be re-used only with repair, refurbishing, or attachment to other materials.

Security Fencing. A maximum of three strands of barbed wire at the top of a fence.

Senior Citizen. Persons at least 62 years of age; or persons at least 55 years of age in a senior citizen housing development, in compliance with State and Federal law.

Service Stations. A retail business selling gasoline or other motor vehicle fuels, which may also provide services which are incidental to fuel services. These secondary services may include vehicle engine maintenance and repair, towing and trailer rental services. Does not include the storage or repair of wrecked or abandoned vehicles, vehicle painting, body or fender work, or the rental of vehicle storage or parking spaces.

Setback. The distance by which a structure, parking area or other development feature must be separated from a lot line, other structure or development feature, or street centerline. Setbacks from private streets are measured from the edge of the easement. See also "Yard." Figure 3-3 (Location and Measurement of Setbacks) in Section 14.30.100 shows the location of front, side, street side, rear, and interior setbacks.

Shopping Centers. Primarily retail commercial sites with two or more separate businesses sharing common pedestrian and parking areas. A small-scale shopping center: is 55,000 square feet or less in gross floor area; is on a site less than 5 acres in net area; has the majority of its parking located between the public streets and its buildings, and no parking underground or within a parking structure.

Sign. A structure, device, figure, display, message placard, or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended, or used to advertise, or to provide information in the nature of advertising, to direct or attract attention to an object, person, institution, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Does not include murals, paintings and other works of art that are not intended to advertise or identify any business or product. Types of signs include the following.

1. **Abandoned Sign.** A sign that advertises a business, lessor, owner, product, service or activity that has not existed on the premises where the sign is displayed for at least 60 days.
2. **Animated or Moving Sign.** A sign which uses movement, lighting, or special materials to depict action or create a special effect to imitate movement.
3. **Awning Sign.** A sign copy or logo attached to or painted on an awning.
4. **Banner, Flag, or Pennant.** Cloth, bunting, plastic, paper, or similar non-rigid material used for advertising purposes attached to a structure, staff, pole, line, framing, or vehicle, not including official flags of the United States, the State of Arizona, and other states of the nation, counties, municipalities, official flags of foreign nations and nationally or internationally recognized organizations.
5. **Bench Sign.** Copy painted on a portion of a bench.
6. **Business Identification Sign.** A sign which serves to identify only the name, address, and lawful use of the premises upon which it is located and provides no other advertisements or product identification.
7. **Cabinet Sign (Can Sign).** A sign which contains all the text and/or logo symbols within a single enclosed cabinet and may or may not be internally illuminated.
8. **Changeable Copy Sign.** A sign designed to allow the changing of copy through manual, mechanical, or electrical means including time and temperature.
9. **Civic Event Sign.** A temporary sign, other than a commercial sign, posted to advertise a civic event sponsored by a public agency, school, church, civic-fraternal organization, or similar noncommercial organization.
10. **Contractor or Construction Sign.** A sign which states the name of the developer and contractor(s) working on the site and related engineering, architectural or financial firms involved with the project.

11. **Directional Sign.** An on-site sign which is designed and erected solely for the purposes of directing vehicular and/or pedestrian traffic within a project.
12. **Directory Sign.** A sign for listing the tenants and their suite numbers of a multiple tenant structure or center.
13. **Double-Faced Sign.** A sign constructed to display its message on the outer surfaces of two identical and/or opposite parallel planes.
14. **Electronic Reader Board Sign.** A sign with a fixed or changing display composed of a series of lights, but not including time and temperature displays.
15. **Flashing Sign.** A sign that contains an intermittent or sequential flashing light source.
16. **Future Tenant Identification Sign.** A temporary sign that identifies the names of future businesses that will occupy a site or structure.
17. **Garage Sale Sign.** A sign with a message advertising the resale of personal property that has been used by the resident.
18. **Grand Opening.** A promotional activity not exceeding 30 calendar days used by newly established businesses, within two months after initial occupancy, to inform the public of their location and services available to the community. "Grand Opening" does not mean an annual or occasional promotion of retail sales by a business.
19. **Ground Mounted Sign.** A sign fixed in an upright position on the ground not attached to a structure other than a framework, pole or device, erected primarily to support the sign. Includes monument signs and pole signs.
20. **Holiday Decoration Sign.** Temporary seasonal signs, in the nature of decorations, clearly incidental to and customarily associated with nationally recognized holidays and which contain no advertising message.
21. **Illegal Sign.** A sign which includes any of the following:
 - a. A sign erected without first complying with all regulations in effect at the time of its construction or use;
 - b. A sign that was legally erected, but whose use has ceased, the structure upon which the display is placed has been abandoned by its owner, or the sign is not being used to identify or advertise an ongoing business for a period of not less than 90 days;
 - c. A sign that was legally erected which later became nonconforming as a result of the adoption of an ordinance, the amortization period for the display provided by the ordinance rendering the display conforming has expired, and conformance has not been accomplished;

- d. A sign that was legally erected which later became nonconforming and then was damaged to the extent of 50 percent or more of its current replacement value;
 - e. A sign which is a danger to the public or is unsafe;
 - f. A sign which is a traffic hazard not created by relocation of streets or highways or by acts of the City; or
 - g. A sign that pertains to a specific event, and five days have elapsed since the occurrence of the event.
- 22. Indirectly Illuminated Sign.** A sign whose light source is external to the sign and which casts its light onto the sign from some distance.
- 23. Internally Illuminated Sign.** A sign whose light source is located in the interior of the sign so that the rays go through the face of the sign, or light source which is attached to the face of the sign and is perceived as a design element of the sign.
- 24. Marquee (Canopy) Sign.** A sign which is attached to or otherwise made a part of a permanent roof-like structure which projects beyond the building wall in the form of a large canopy to provide protection from the weather.
- 25. Monument Sign.** An independent, freestanding structure supported on the ground having a solid base as opposed to being supported by poles or open braces.
- 26. Multi-Tenant Sign.** An identification sign for a commercial site with multiple tenants, displaying the names of each tenant on the site.
- 27. Nonconforming Sign.** An advertising structure or sign which was lawfully erected and maintained prior to the adoption of this Development Code, but does not now completely comply with current regulations.
- 28. Off-Site Directional Sign.** A sign identifying a publicly owned facility, emergency facility, or a temporary subdivision sign, but excluding real estate signs.
- 29. Off-Site Sign.** A sign identifying a use, facility, service, or product which is not located, sold, or manufactured on the same premise as the sign or which identifies a use, service, or product by a brand name which, although sold or manufactured on the premise, does not constitute the principal item for sale or manufactured on the premise.
- 30. Permanent Sign.** A sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.
- 31. Political Sign.** A sign designed for the purpose of advertising support of or opposition to a candidate or proposition for a public election.
- 32. Pole/Pylon Sign.** An elevated freestanding sign, typically supported by one or two poles or columns.

- 33. Portable Sign.** A sign that is not permanently affixed to a structure or the ground.
- 34. Projecting Sign.** A sign other than a wall sign suspending from, or supported by, a structure and projecting outward.
- 35. Promotional Sign.** A sign erected on a temporary basis to promote the sale of new products, new management, new hours of operation, a new service, or to promote a special sale.
- 36. Real Estate Sign.** A sign indicating that a property or any portion thereof is available for inspection, sale, lease, rent, or directing people to a property, but not including temporary subdivision signs.
- 37. Roof Sign.** A sign constructed upon or over a roof, or placed so as to extend above the edge of the roof.
- 38. Special Event Sign/Banner.** A temporary sign or banner that is intended to inform the public of a community happening, action, purpose, or occasion (i.e., grand opening or community event).
- 39. Temporary Sign.** A sign intended to be displayed for a limited period of time and capable of being viewed from a public right-of-way, parking area or neighboring property.
- 40. Under Marquee Sign.** A sign suspended from a marquee or canopy.
- 41. Vehicle Sign.** A sign which is attached to or painted on a vehicle which is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or business located on the property.
- 42. Wall Sign.** A sign which is attached to or painted on the exterior wall of a structure with the display surface of the sign approximately parallel to the building wall.
- 43. Window Sign.** A sign posted, painted, placed, or affixed in or on a window exposed to public view. An interior sign which faces a window exposed to public view and is located within three feet of the window.

Sign Area. The entire area within a perimeter defined by a continuous line composed of right angles using no more than four lines which enclose the extreme limits of lettering, logo, trademark, or other graphic representation.

Sign Height. The vertical distance from the uppermost point used in measuring the area of a sign to the average grade immediately below the sign, including its base or the top of the nearest curb of the street on which the sign fronts, whichever measurement is the greatest.

Single-Family Dwellings. A building designed for and/or occupied exclusively by one family. Also includes factory-built, modular housing units, constructed in compliance with the adopted Building Code, and mobile homes/manufactured housing on permanent foundations. May include the rental of rooms within a dwelling also occupied by the property owner or a primary tenant.

Site. A lot or adjoining lots under single ownership or single control, considered a unit for the purposes of development or other use.

Site Coverage. The percentage of total site area occupied by structures. Structure or building coverage includes the primary structure, all accessory structures (e.g., carports, garages, patio covers, storage sheds, trash dumpster enclosures, etc.) and architectural features (e.g., chimneys, balconies, decks above the first floor, porches, stairs, etc.). Structure/building coverage is measured from exterior wall to exterior wall.

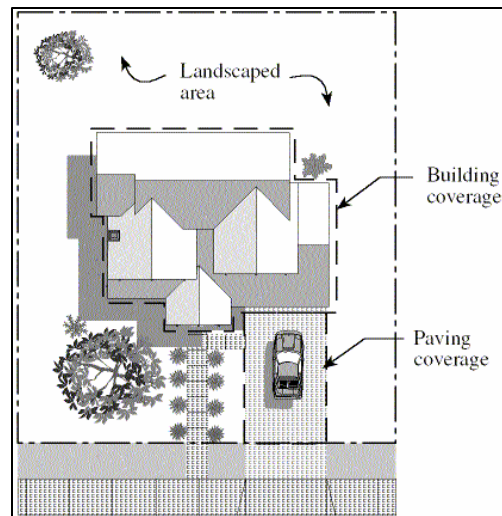


Figure 6-3 - Site Coverage

Stand. A structure for the display and sale of products with no space for customers within the structure itself.

Stealth Facilities. A communications facility which is designed to blend into the surrounding environment, typically one that is architecturally integrated into a structure. Also referred to as concealed antenna.

Stone and Cut Stone Product Manufacturing. Manufacturing establishments engaged primarily in cutting, shaping, and finishing marble, granite, slate, and other stone for building and miscellaneous uses. Also includes establishments engaged primarily in buying or selling partly finished monuments and tombstones.

Storage - Indoor. The storage of various materials entirely within a structure, as the primary use of the structure. The storage of materials accessory and incidental to a primary use is not considered a land use separate from the primary use.

Storage - Outdoor. The storage of various materials outside of a structure other than fencing, either as an accessory or principal use.

Storage - Personal Storage Facility (Mini-Storage). A structure or group of structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand.

Street. A public thoroughfare accepted by the City, which affords principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except an alley as defined in this Subsection.

Street Line. The boundary between a street right-of-way and property.

Structure. Anything constructed or erected, the use of which requires attachment to the ground or attachment to something located on the ground. For the purposes of this Development Code, the term "structure" includes "buildings," but does not include swimming pools.

Structure-Mounted. Mounted to the side of a structure (e.g., a billboard, church steeple, freestanding sign, etc.).

Structure, Primary. See "Primary Structure."

Structural Clay and Pottery Product Manufacturing. Manufacturing establishments engaged primarily in producing brick and structural clay products, including pipe, china plumbing fixtures, and vitreous china articles, fine earthenware and porcelain products. Artist/craftsman uses are included in "Handcraft Industries and Small Scale Manufacturing," "Home Occupations."

Studios for Art, Dance, Music, Photography, etc. Small scale facilities, typically accommodating one group of students at a time, in no more than one instructional space. Larger facilities are included under the definition of "Schools - Specialized education and training." These include facilities for: individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics instruction, and aerobics and gymnastics studios with no other fitness facilities or equipment.

T. Definitions, "T."

Telecommunications Facilities. Public, commercial and private electromagnetic and photoelectric transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, data network, and wireless communications, including commercial earth stations for satellite-based communications. Includes antennas, commercial satellite dish antennas, and equipment buildings. Does not include telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections.

Temporary Structures. A structure without any foundation or footings, and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

Temporary Uses. A use of land that is designed, operated and occupies a site for a limited period of time; less than 30 days.

Textile and Leather Product Manufacturing. Manufacturing establishments engaged in performing any of the following operations:

- coating, waterproofing, or otherwise treating fabric
- dyeing and finishing fiber, yarn, fabric, and knit apparel
- manufacture of knit apparel and other finished products from yarn
- manufacture of felt goods, lace goods, non-woven fabrics and miscellaneous textiles
- manufacturing of woven fabric, carpets and rugs from yarn

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preparation of fiber and subsequent manufacturing of yarn, threads, braids, twine cordage
upholstery manufacturing

Theaters and Auditoriums. Indoor facilities for public assembly and group entertainment, other than sporting events, including:

civic theaters, and facilities for "live" theater and concerts
exhibition and convention halls
motion picture theaters
public and semi-public auditoriums
similar public assembly uses

Does not include outdoor theaters, concert and similar entertainment facilities, and indoor and outdoor facilities for sporting events; see "Outdoor Commercial Recreation."

Towers. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including but not limited to self-supporting lattice towers, guy towers or monopole towers. Telecommunication towers comprise personal wireless service facilities, including radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers or personal communication service towers, and alternative tower structures.

Townhouse. Two or more attached, detached, or zero lot line one- or two-story dwellings, where no unit is located over another unit, each unit has its own front and rear access to the outside, and each unit is separated from any other unit by one or more vertical common fire-resistant walls

Transit Stations and Terminals. Passenger stations for vehicular, ferry, and rail mass transit systems; also terminal facilities providing maintenance and service for the vehicles operated in the transit system. Includes buses, taxis, railway, etc.

Transit Stop Shelters. A small-scale covered waiting area for buses and taxis.

U. Definitions, "U."

Unit. See "Housing Unit."

Use. The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained.

Use, Primary. See "Primary Use."

Utility Facilities. Fixed-base structures and facilities serving as junction points for transferring utility services from one transmission voltage to another or to local distribution and service voltages.

These uses include any of the following facilities that are:

- corporation and maintenance yards.
- electrical substations and switching stations
- natural gas regulating and distribution facilities
- public water system wells, treatment plants and storage
- telephone switching facilities
- wastewater treatment plants, settling ponds and disposal fields

These uses do not include office or customer service centers (classified in "Offices"), or equipment and material storage yards.

Utility Infrastructure. Pipelines for water, natural gas, and sewage collection and disposal; and facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Also includes telephone, telegraph, cable television and other communications transmission facilities utilizing direct physical conduits. Does not include offices or service centers (see "Offices"), or distribution substations (see "Utility Facilities").

V. Definitions, "V."

Variance (and Minor Variance). A discretionary entitlement, which is subject to review and decision by the Director or the Board of Adjustment (BOA), that may waive or relax the development standards of this Development Code, in compliance with Section 14.44.060 (Variances).

Vehicle and Freight Terminals. This land use consists of transportation establishments furnishing services incidental to air, motor freight, and rail transportation including:

- freight forwarding services
- freight terminal facilities
- joint terminal and service facilities
- packing, crating, inspection and weighing services
- postal service bulk mailing distribution centers
- transportation arrangement services
- trucking facilities, including transfer and storage

Vehicle Services. The repair, alteration, restoration, towing, painting, cleaning (including self-service and attended car washes), or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes the following categories.

- 1. Major Repair/Body Work.** Repair facilities dealing with entire vehicles. These establishments provide towing, collision repair, other body work, and painting services.
- 2. Maintenance/Minor Repair.** Minor facilities specialize in limited aspects of repair and maintenance (e.g., muffler and radiator shops, quick-lube, etc.).

Does not include automobile parking (see "Parking Facilities/Vehicle Storage"), repair shops that are part of a vehicle dealership on the same site (see "Auto and Vehicle Sales," and "Mobile Home and Recreational Vehicle Sales"); automobile service stations, which are separately defined; or automobile dismantling yards, which are included under "Recycling -Scrap and Dismantling Yards."

W. Definitions, "W."

Warehousing, Wholesaling, and Distribution. These facilities include:

1. **Warehousing.** Facilities for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include: warehouse, storage or mini-storage facilities offered for rent or lease to the general public (see "Storage, Personal Storage Facilities"); warehouse facilities in which the primary purpose of storage is for wholesaling and distribution (see "Wholesaling and Distribution"); or terminal facilities for handling freight (see "Vehicle and Freight Terminals").
2. **Wholesaling and Distribution.** Establishments engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to persons or companies. Includes establishments as:

agents, merchandise or commodity brokers, and commission merchants
assemblers, buyers and associations engaged in the cooperative marketing of farm products
merchant wholesalers
stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment.

Wireless communication facilities. Any public or private structure that supports antennae, microwave dishes, and other related equipment that sends and/or receives radiofrequency signals.

X. Definitions, "X." No specialized terms beginning with the letter "X" are used at this time.

Y. Definitions, "Y."

Yards. An area between a lot line and a setback, unobstructed and unoccupied from the ground upward, except for projections permitted by this Development Code. See Section 14.30.100 (Setback Measurement and Exceptions).

1. **Front Yard.** An area extending across the full width of the lot between the front lot line and the required setback.
2. **Rear Yard.** An area extending the full width of the lot between a rear lot line and the required setback.
3. **Side Yard.** An area extending from the front yard to the rear yard between the nearest side lot line and the required setback.

Z. Definitions, "Z."

Zero Lot Line. The location of a building on a lot in a manner that one or more building sides rests directly on a lot line.

Zoning Clearance. An authorization issued by the Department prior to issuance of any building permit to ensure that the proposed use and/or construction complies with all of the provisions of this Development Code.

Zoning District. Any of the residential, commercial, industrial, public, or overlay districts established by Article 2 of this Development Code (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards), within which certain land uses are allowed or prohibited, and certain site planning and development standards are established (e.g., setbacks, height limits, site coverage requirements, etc.).

ARTICLE 5

Administration

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CHAPTER 14.50 - ADMINISTRATIVE RESPONSIBILITY

Sections:

- 14.50.010 - Purpose of Chapter
- 14.50.020 - Planning Agency Defined
- 14.50.030 - City Council
- 14.50.040 - Planning and Zoning Commission
- 14.50.050 - Board of Adjustment (BOA)
- 14.50.060 - Development Services Director

14.50.010 - Purpose of Chapter

This Chapter describes the authority and responsibilities of the City Council, staff, and official bodies in the administration of this Development Code.

14.50.020 - Planning Agency Defined

The functions of a Planning Agency shall be performed by the Lake Havasu City Council, Planning Commission, Board of Adjustment, Development Services Director, and Development Services Department, as defined in compliance with State law (A.R.S. Section 9-461).

14.50.030 - City Council

The Lake Havasu City Council, in matters related to the City's planning process, shall perform the duties and functions identified in this Development Code, in compliance with State law (A.R.S. Section 9-462.01).

14.50.040 - Planning and Zoning Commission

A. Establishment.

The seven-member Lake Havasu Planning and Zoning Commission, hereafter referred to in this Development Code as the "Commission," is hereby established in compliance with State law (A.R.S. Section 9-461.02).

B. Appointment.

The members/alternates of the Commission shall be appointed by the Mayor and Council.

C. Membership.

The Commission shall be made up of seven regular members and three alternate members.

D. Eligibility for membership.

To be eligible for appointment or retention on the Commission, a member/alternate shall be a resident of the City.

E. Compensation.

The Commission members/alternates shall serve without compensation.

F. Terms of office.**1. Members.**

The terms of office of the members of the Commission shall be for three years unless sooner removed by the Council for good cause shown.

- a. A member that was appointed to serve a partial term may be appointed to serve not more than two consecutive full terms.
- b. No member shall serve more than two consecutive full terms, plus any unexpired term that they have been appointed to fill. Except that in no case shall a member's tenure exceed seven and one-half years.
- c. After completion of two full terms, or seven and one-half years, a member may not be again considered for appointment as a regular member or alternate member for a period of 12 months.

2. Alternates.

The terms of office of the alternates of the Commission shall be for three years unless sooner removed by the Council.

- a. An alternate that was appointed to serve a partial term may be appointed to serve not more than one full term.
- b. No alternate shall serve more than one full term, plus any unexpired term that they have been appointed to fill. Except that in no case shall a member's tenure exceed four and one-half years, if their initial appointment was to fill the vacancy of an alternate.
- c. After completion of one full term, or four and one-half years, an alternate may not be again considered for appointment as an alternate for a period of 12 months.

3. Commencement date.

All terms of office shall commence on July 1st in the year of appointment.

4. Vacancies.

If a vacancy should occur the vacancy shall be filled by the Mayor, with the approval of the Council, by appointment for the unexpired portion of the term of the vacancy.

5. Serve until replaced.

Members and alternates shall serve until their successor is appointed and qualified.

6. Staggering of terms.

The terms of office shall be staggered.

G. Commission minutes.

The minutes of the Commission shall be open to the public. The minutes of proceedings, showing the vote of each member and the records of its examination, evidence, findings, and other official actions, shall be kept and filed in the office of the Director as a public record.

H. Rules of procedure.

The Commission shall adopt rules of procedure, in compliance with this Development Code, for the conduct of its business and procedure.

I. Commission secretary.

The Director shall serve ex-officio as the secretary of the Commission, shall record all actions, shall provide written communications to the applicants, but shall have no vote.

J. Quorum.

A quorum necessary for the transaction of business shall consist of four members.

K. Vote.

The business of the Commission shall be transacted by a majority vote of the Commission members in attendance. If a tie vote is received it shall be entered in the minutes as a vote to disapprove the application.

L. Organization.

The Commission shall elect its chairperson and vice chairperson from among its appointed members for a term of 12 months, who shall have the power to administer oaths and take evidence.

M. Authority and duties.

The Commission shall have the authority to perform the duties and functions identified in this Development Code and by State law (A.R.S. Sections 9-461.02, et seq.) The Commission shall:

1. Engage in those planning activities authorized by State law, including the development and maintenance (e.g., amendment, review, etc.) of the General Plan stating the City's goals and development policies for all of the mandatory elements.
2. Have the responsibility to assist the Council with anticipating and guiding future development and change by preparing and recommending on capital improvement programs, ordinances, plans, regulations, reports, studies, and other documents for formal consideration and adoption by the Council.
3. Conduct hearings and other activities as identified in this Development Code.

4. Maintain (e.g., amendment, review, etc.) the standards of architecture and site design in compliance with Section 14.44.030 (Design Review).
5. Hear and decide or recommend on requests for the following:
 - a. Decide whether to approve, conditionally approve, or disapprove Conceptual Development Plans, Conditional Use Permits, Parking-in-Common plans, Planned Development Permits, and Preliminary Subdivision Plats, and impose conditions determined to be reasonable and necessary to fully carry out the purpose, intent, and provisions of this Development Code;
 - b. Make recommendations to the Council on amendments to this Development Code, the General Plan and any specific plan, or the Official Zoning Map; and
 - c. Appeals on decisions, interpretations, or determinations made by the Director or Development Services Department staff, when the Director is not acting as the Zoning Administrator.
6. Sit as Administrative Hearing Officer in compliance with Section 14.60.080 (Appeals of Dedication or Exaction Requirements).

N. Limits of responsibility.

The Commission may not:

1. Obligate the City for any fees, materials, or services without the prior approval of the City Manager;
2. Deviate from any applicable City ordinances or State and Federal laws in the execution of its duties and responsibilities; and
3. Fail to fully comply with State law (A.R.S. Sections 38-501, et. seq.) dealing with conflict of interest matters.

14.50.050 - Board of Adjustment (BOA)**A. Establishment.**

The seven-member Board of Adjustment, hereafter referred to in this Development Code as the "BOA," is hereby established in compliance with State law (A.R.S. Section 9-462.06).

B. Appointment.

The BOA members shall be appointed by the Mayor and Council.

C. Eligibility for membership.

To be eligible for appointment or retention on the BOA, a member shall be a resident of the City.

D. Compensation.

The BOA members shall serve without compensation.

E. Terms of office.

The terms of office of the members of the BOA shall be for three years, alternates for two years, unless sooner removed by the Council for good cause shown.

1. A member that was appointed to serve a partial term may be appointed to serve not more than two consecutive full terms.
2. No member shall serve more than two consecutive full terms, plus any unexpired term that they have been appointed to fill.
3. If a vacancy should occur, other than by expiration, the vacancy shall be filled by the Mayor, with the approval of the Council, by appointment for the unexpired portion of the term of the vacancy.

F. Organization.

The BOA shall elect its chairperson and vice chairperson from among its appointed members for a term of 12 months, who shall have the power to administer oaths and take evidence.

G. BOA minutes.

The minutes of the BOA shall be open to the public. The minutes of proceedings, showing the vote of each member and the records of its examination, evidence, findings, and other official actions, shall be kept and filed in the office of the Director as a public record.

H. Rules of procedure.

The BOA shall adopt rules of procedure, in compliance with this Development Code, for the conduct of its business and procedure.

I. BOA secretary.

The Director shall serve ex-officio as the secretary of the BOA, shall record all actions, shall provide written communications to the applicants, but shall have no vote.

J. Quorum.

A quorum necessary for the transaction of business shall consist of four members.

K. Vote.

The business of the BOA shall be transacted by a majority vote of the BOA members in attendance.

1. If a tie vote is received, the Chairperson shall entertain a “motion to postpone” the matter to the next regularly scheduled meeting.
2. The Chairperson shall also entertain a “motion and vote” by the members to determine if the re-hearing will be another public hearing to receive additional testimony or to vote only on the prior testimony received at the first hearing.
3. A second tie vote on the same matter shall be recorded as a no vote.
4. When a matter is postponed following a tie vote, the final decision, for purposes of appeal, shall be the second vote on the matter.

L. Authority.

The BOA shall:

1. Hear and decide appeals when there is an alleged error in any decision, determination, order, or requirement made by the Director, when acting as the Zoning Administrator.
2. Hear and decide requests for Variances, in compliance with Section 14.44.060 (Variances), from the terms of this Development Code because of special circumstances applicable to a property, including its location, shape, size, surroundings, or topography, where the strict application of this Development Code would deprive the property of privileges enjoyed by other similar properties in the same zoning district. The Variances shall not include those pertaining to uses as specified in this Development Code; and
3. Shall attach conditions to the Variance as the BOA may determine to be reasonable and necessary in order to fully carry out the provisions and intent of this Development Code.

M. Limits of responsibility.

The BOA may not:

1. Obligate the City for any fees, materials, or services without the prior approval of the City Manager;
2. Deviate from any applicable City ordinances or State and Federal laws in the execution of its duties and responsibilities; and
3. Fail to fully comply with State law (A.R.S. Sections 38-501, et. seq.) dealing with conflict of interest matters.

N. BOA's action is final.

The decision of the BOA is the final action by the City in compliance with State law (A.R.S. Section 9-462.06).

O. Person(s) aggrieved by BOA decisions.

Any person(s) aggrieved by a decision of the BOA may, at any time within 30 days after the BOA has rendered its decision, file a complaint for special action in the Superior Court to review the BOA's decision, in compliance with State law (A.R.S. Section 9-462.06 K.)

14.50.060 - Director (Zoning Director/Zoning Administrator)**A. Appointment.**

The Zoning Director, hereafter referred to in this Development Code as "Director," shall be appointed by the City Manager.

B. Duties and authority.

The Director shall:

1. Have the responsibility to perform all of the functions designated by State law;
2. Be the Zoning Administrator, with the responsibility for interpretation and enforcement of this Development Code with the authority to take action on applications for all administrative permits and approvals issued by the Department, as identified in Table 4-1 (Applicable Review Authority). Appeals from the determination of the Zoning Administrator shall only be considered by the BOA;
3. Have the responsibility to issue Building Permits and enforce and direct the Building Inspection Service to ensure compliance with Title 12 (Building and Safety);
4. Direct City employees assigned to the Planning, Zoning, and Building Departments, gather and maintain land use (e.g., maps, legal descriptions, and the current development status of each parcel within the City) and Building Permit records and provide these to the Planning Commission, BOA, Council, and the public, and provide budgets, records of income and expense, and other data requested by the City Manager;
5. Perform other responsibilities assigned by the City Manager; and
6. Perform the duties and functions identified in this Development Code, including the initial review of land use applications, in compliance with Section 14.42.020 (Authority for Land Use and Zoning Decisions).

C. Limits of authority.

The Director shall not:

1. Obligate the City for any purpose, unless specifically authorized by the Council;
2. Exceed the budget set by the City Manager and approved by the Council, without permission from the City Manager and Council;
3. Amend or rescind any part of the Municipal Code, except for Variances granted by the BOA; or
4. Receive any personal benefit, gratuity, service, or thing of value from person(s) seeking permits, services, or Variances from the City.

D. Delegation by Director.

The Director may delegate the responsibilities of the Director to assigned Department staff under the supervision of the Director. When the Director designates a Department staff person, the staff person shall perform the duties assigned by the Director in addition to those listed in Subsection B. above, as appropriate to the personnel title of the designee. The term "Director" as used in this Development Code shall also mean "the Director or designee."

CHAPTER 14.52 - INTERPRETATIONS

Sections:

- 14.52.010 - Purpose of Chapter
- 14.52.020 - Rules of Interpretation
- 14.52.030 - Procedure

14.52.010 - Purpose of Chapter

The purpose of this Chapter is to ensure the consistent interpretation and application of the provisions of this Development Code and the General Plan.

14.52.020 - Rules of Interpretation

The Director shall have the responsibility and authority to interpret the meaning and applicability of all provisions and requirements of this Development Code. Interpretation of this Code includes clarification of intention and procedure, and determination of unspecified land uses and uncertainties pertaining to the Official Zoning Map.

A. State law requirements.

Where this Development Code references applicable provisions of State law (e.g., A.R.S. Sections 9-461.01, et seq.), the reference shall be construed to be to the applicable State law provisions as they may be amended from time to time.

B. Minimum requirements.

When interpreting and applying the regulations of this Development Code, all provisions shall be considered to be minimum requirements, unless stated otherwise (e.g., height limits and site coverage requirements for structures, and the numbers and size of signs allowed are maximums, not minimums).

C. Zoning Map boundaries.

If there is uncertainty about the location of any zoning district boundary shown on the Official Zoning Map, the following rules are to be used in resolving the uncertainty:

1. Where district boundaries approximately follow lot, alley, or street lines, the lot lines and street and alley centerlines shall be construed as the district boundaries;
2. If a district boundary divides a parcel and the boundary line location is not specified by distances printed on the zoning map, the location of the boundary shall be determined by using the scale appearing on the zoning map; and

3. Where a public street or alley is officially vacated or abandoned, the property that was formerly in the street or alley shall be included within the zoning district of the adjoining property on either side of the centerline of the vacated or abandoned street or alley.

D. Allowable uses of land.

If a proposed use of land is not specifically listed in Article 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards), more specifically Chapters 14.08 (Residential Zoning Districts), 14.10 (Commercial and Employment Zoning Districts), or 14.12 (Special Purpose Zoning Districts), the use shall not be allowed, except as follows.

1. Similar uses allowed.

The Director may determine that a proposed use not listed in Article 2 is allowable only if the Director is able to make all of the following findings in a positive manner:

- a. The characteristics of, and activities associated with, the proposed use are equivalent to those of one or more of the uses listed in the zoning district as allowable, and would not involve a higher level of activity or population density than the uses listed in the district;
- b. The proposed use would meet the purpose/intent of the zoning district that is applied to the subject site; and
- c. The proposed use would be consistent with the goals and policies of the General Plan and any applicable specific plan.

2. Applicable standards and permit requirements.

When the Director determines that a proposed, but unlisted, use is equivalent to a listed use, the proposed use shall be treated in the same manner as the listed use in determining where it is allowed, what permits are required, and what other standards and requirements of this Development Code would apply.

3. BOA determination.

The Director may forward questions about equivalent uses directly to the BOA for a determination.

E. Conflicting requirements:

1. Development Code and Municipal Code provisions.

If conflicts occur between requirements of this Development Code, or between this Development Code and other regulations of the City, the most restrictive shall apply.

2. Specific plans.

When conflicts occur between the requirements of this Development Code and standards adopted as part of any specific plan, the requirements of the specific plan shall apply.

3. Private agreements.

This Development Code applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction, without affecting the applicability of any agreement or restriction. The City shall not enforce any private covenant or agreement unless it is a party to the covenant or agreement.

14.52.030 - Procedure**A. Written request.**

A written request for an interpretation of the provisions of this Development Code or the General Plan may be filed, together with all required fees, with the Department in compliance with Section 14.42.040 (Application Preparation and Filing).

B. Required information.

The request shall state the Development Code and/or General Plan provision(s) in question, and provide any information to assist in its review.

C. Director's action.

The Director may make the requested interpretation or defer action and refer the request to the BOA for the final decision.

D. Director's decision.

The decision of the Director may be appealed to the BOA.

E. BOA's decision.

Any person(s) aggrieved by a decision of the BOA may, at any time within 30 days after the BOA has rendered its decision, file a complaint for special action in the Superior Court to review the BOA's decision, in compliance with State law (A.R.S. Section 9-462.06 K.)

Interpretations	14.52
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CHAPTER 14.54 - ENTITLEMENT IMPLEMENTATION, TIME LIMITS, AND EXTENSIONS

Sections:

- 14.54.010 - Purpose of Chapter
- 14.54.020 - Effective Dates
- 14.54.030 - Performance Guarantees
- 14.54.040 - Time Limits and Extensions
- 14.54.050 - Changes to an Approved Project
- 14.54.060 - Permits to Run with the Land
- 14.54.070 - Resubmittals

14.54.010 - Purpose of Chapter

This Chapter provides requirements for the implementation or “exercising” of the permits required by this Development Code, including time limits, and procedures for extensions of time.

14.54.020 - Effective Dates

The approval of a land use permit (e.g., Temporary Use Permit, Conditional Use Permit, Variance, or Planned Development Permit) shall become effective following the final decision on the application by the applicable review authority, in compliance with Table 5-1, below, unless an appeal of the review authority's action has been filed in compliance with Chapter 14.60 (Appeals).

**TABLE 5-1
EFFECTIVE DATES**

Review Authority	Effective Dates Following Decision
Director or Zoning Administrator	15 days
Commission	15 days
BOA	30 days
Council	30 days following date of adoption, unless enacted as an emergency ordinance.

14.54.030 - Performance Guarantees

A permit applicant may be required by conditions of approval or by action of the Director to provide adequate security to guarantee the faithful performance and proper completion of any approved work, and/or compliance with conditions of approval imposed by the review authority. The provisions of this Section apply to performance guarantees for projects authorized by any of the land use permits required by this Development Code.

A. Form and amount of security.

The required security shall be in a form (e.g., cash bond, certificate of deposit, surety bond, etc.) approved by the Director, upon recommendation of the City Attorney. The amount of security shall be as determined by the Director to be necessary to ensure proper completion of the work and/or compliance with conditions of approval.

B. Security for maintenance.

In addition to any improvement security required to guarantee proper completion of work, the Director may require security for maintenance of the work, in an amount determined by the Director to be sufficient to ensure the proper maintenance and functioning of the improvements.

C. Duration of security.

Required improvement security shall remain in effect until final inspections have been made and all work has been approved by the Director, or until any warranty period required by the Director has elapsed.

D. Release or forfeit of security.

1. Upon satisfactory completion of work and the approval of a final inspection (or after the end of the required time for maintenance security), the improvement and/or maintenance deposits or bonds shall be released.
2. Upon failure to complete the work, failure to comply with all of the terms of any applicable permit, or failure of the completed improvements to function properly, the City may do the required work or cause it to be done, and collect from the permittee or surety all the costs incurred by the City, including the costs of the work, and all administrative and inspection costs.
3. Any unused portion of the security shall be refunded to the funding source after deduction of the cost of the work by the City.

14.54.040 - Time Limits and Extensions**A. Time limits.**

1. Unless conditions of approval or other provisions of this Development Code establish a different time limit, any permit or approval (except for Planned Development Permits which are subject to Subparagraph 2., below and zoning map amendments) granted in compliance with this Chapter (Chapter 14.54 - Entitlement Implementation, Time Limits, and Extensions) that is not exercised within 12 months of its approval shall expire and become void after action by the Council in compliance with State law (A.R.S. Section 9-462.01), except where an extension of time is approved in compliance with Subsection B., below.
2. Unless conditions of approval or other provisions of this Development Code establish a different time limit, any Planned Development Permit granted in compliance with Section 14.44.070 that is not exercised within 36 months of its approval shall expire and become void after action by the Council in compliance with State law (A.R.S. Section 9-462.01), except where an extension of time is approved in compliance with Subsection B., below.
3. The permit shall not be deemed "exercised" until the permittee has at least obtained a Building Permit and substantial construction in compliance with a Building Permit has taken place, or has actually commenced the allowed use on the subject site in compliance with the conditions of approval, as determined by the Director.
4. The land use permit shall remain valid after it has been exercised as long as a Building Permit is active for the project, or a final building inspection or Certificate of Occupancy has been granted.
5. If a project is to be developed in approved phases, each subsequent phase shall be exercised within 12 months from the date that the previous phase was exercised, unless otherwise specified in the permit, or the permit shall expire and be deemed void. The total amount of time available for a phased development to be exercised shall not exceed 36 months, except where an extension of time is approved in compliance with Subsection B., below. If the project also involves the approval of a Preliminary Plat, the phasing shall be consistent with the Preliminary Plat and the permit shall be exercised before the expiration of the Preliminary Plat, or the permit shall expire and be deemed void.
6. If the approval also involves a zoning map amendment, that portion of the approval shall be returned to the Council with notice, in compliance with State law (A.R.S. Section 9-462.01 E.).

B. Extensions of time.

Upon request by the applicant, the review authority may extend the time for an approved permit to be exercised in the following manner.

1. The applicant shall file a written request for an extension of time with the Department at least 30 days before the expiration of the permit, together with the filing fee required by the Council's Fee Resolution.
2. The burden of proof is on the permittee to establish with substantial evidence that the permit should not expire. If the review authority determines that the permittee has proceeded in good faith and has exercised due diligence in complying with the conditions in a timely manner, the review authority may grant a time extension for up to an additional 12 months from the date of the decision to extend the permit; provided, the review authority first finds that:
 - a. The proposed extension is consistent with the goals and policies of the General Plan, and any applicable specific plan, and the overall project remains consistent with those plans as they exist at the time the extension request is being considered; and
 - b. There are adequate provisions for public services and utilities (e.g., access, drainage, fire protection, sewers, water, etc.), to ensure that the proposed extension would not endanger, jeopardize, or otherwise constitute a hazard to the public health, safety, or general welfare, or be injurious to the property or improvements in the vicinity and applicable zoning district.
3. No more than two 12-month time extensions shall be granted.

C. Hearing on expiration.

At the request of the applicant, the review authority may hold a hearing on any proposed expiration of a permit, in compliance with Chapter 14.58 (Public Hearings).

D. Terminated by discontinuance.**1. Permit shall lapse.**

A permit or entitlement shall lapse (e.g., shall have the effect of terminating the permit or entitlement and denying the privileges granted by the original approval) if the use associated with the permit or entitlement is terminated for a period of at least 180 days.

2. Recommencement.

Recommencement of a use after the 180-day period has expired shall require the filing of a new application, together with the filing fee required by the Council's Fee Resolution.

14.54.050 - Changes to an Approved Project

Development or a new land use authorized through a permit or entitlement granted in compliance with this Development Code shall be established only as approved by the review authority and subject to any conditions of approval, except where changes to the project are approved in compliance with this Section.

A. Request for change.

An applicant shall request desired changes in writing, and shall also furnish appropriate supporting materials and an explanation of the reasons for the request. Changes may be requested either before or after construction or establishment and operation of the approved use; however, a change in use shall be requested and approved before initiating the new use.

B. Minor changes.

The Director may approve changes to an approved site plan, architecture, or the nature of the approved use if the changes:

1. Are consistent with all applicable provisions of this Development Code;
2. Do not involve a feature of the project that was specifically addressed in, or was a basis for conditions of approval for the project or that was a specific consideration by the applicable review authority in the approval of the permit; and
3. Do not expand the approved floor area or any outdoor activity area by 10 percent or more over the life of the project.

C. Major changes.

Changes to the project that do not comply with Subsection B., above, shall only be approved by the applicable review authority through a new permit application.

14.54.060 - Permits to Run with the Land

A land use permit granted in compliance with this Chapter (Chapter 14.54 - Entitlement Implementation, Time Limits, and Extensions) shall continue to be valid upon a change of ownership (e.g., of the site, structure, or use that was the subject of the permit application); provided, the use remains in compliance with all applicable provisions of this Development Code and any conditions of approval.

14.54.070 - Resubmittals**A. Resubmittals prohibited within 180 days.**

For a period of 180 days following the disapproval of a discretionary land use permit, entitlement, or amendment by the Director, BOA, Commission, or Council, no application for the same or substantially similar discretionary permit, entitlement, or amendment for the same site shall be accepted for filing.

B. Director's determination.

The Director shall determine whether the new application is for a discretionary land use permit, entitlement, amendment, or other approval which is the same or substantially similar to the previously disapproved permit, entitlement, or amendment.

C. Appeal.

The determination of the Director may be appealed to the Commission, in compliance with Chapter 14.60 (Appeals).

CHAPTER 14.56 - AMENDMENTS

Sections:

- 14.56.010 - Purpose of Chapter
- 14.56.020 - Applicability
- 14.56.030 - Initiation of Amendments
- 14.56.040 - Hearings and Notice
- 14.56.050 - Citizen Review Process
- 14.56.060 - Commission Action on Amendments
- 14.56.070 - Council Action on Amendments
- 14.56.080 - Findings and Decision
- 14.56.090 - Effective Date

14.56.010 - Purpose of Chapter

This Chapter establishes provisions for the amendment of the General Plan, this Development Code, or the Official Zoning Map whenever required by public necessity and general welfare, in compliance with State law (A.R.S. Sections 9-461.06 and 9-462.03).

14.56.020 - Applicability

A. Development Code.

A Development Code amendment may modify any standard, requirement, or procedure applicable to land use and/or development within the City.

B. General Plan.

A General Plan amendment may include revisions to text, maps, or diagrams.

C. Zoning Map.

A Zoning Map amendment has the effect of rezoning property from one zoning district to another.

14.56.030 - Initiation of Amendments

An amendment to the General Plan, this Development Code, or the Zoning Map shall be initiated in compliance with this Section.

A. Who may initiate an amendment.

An amendment may be initiated by:

1. The Council; or
2. An application being filed by the owner(s) of property which would be the subject of (e.g., General Plan or Zoning Map amendment) or affected by (e.g., Development Code amendment) the amendment, or by an agent for the owner(s).

B. Application filing and processing.

When initiated by an applicant, the following shall be followed:

1. An application for an amendment shall be filed and processed in compliance with Chapter 14.42 (Application Filing and Processing).
2. The application shall be accompanied by the information identified in the Department handout for amendment applications, and the filing fee established by the Council's Fee Resolution.

14.56.040 - Hearings and Notice**A. Scheduling of hearings.****1. Development Code and Zoning Map amendments.**

Upon receipt of a complete application to amend this Development Code or the Zoning Map, or upon initiation by the Council, and following Department review, public hearings shall be scheduled before the Commission and Council.

2. General Plan amendments.

The City will consider major amendments to the General Plan once each year in compliance with State law. General Plan major amendment applications shall be received by July 1st to be heard in the year in which they are submitted. Applications received on or before July 1st will be considered by the Council no later than October 1st. The major amendment applications shall be submitted within the same year they are heard and a 2/3-majority vote of the Council is needed for approval.

B. Commission hearings for General Plan amendments.

When considering a General Plan amendment, the Commission shall hold at least two public hearings at different locations designated within the City Public Improvement Plan, on file in the City Clerk's Office, and as it may be amended from time to time, in order to encourage citizen participation in the planning process, in compliance with State law (A.R.S. Section 9-461.06).

C. Council hearings for General Plan amendments.

When considering a General Plan amendment, the Council shall hold at least one public hearing at a location designated within the City Public Improvement Plan, on file in the City Clerk's Office, and as it may be amended from time to time, in order to encourage citizen participation in the planning process, in compliance with State law (A.R.S. Section 9-461.06).

D. Notice of hearings.

Notice of the hearings shall be given in compliance with Chapter 14.58 (Public Hearings).

14.56.050 - Citizen Review Process**A. Purpose.**

The purpose of the citizen review process is to:

1. Ensure that citizens and property owners have sufficient time to learn the substance of Zoning Map amendments that may affect them; and
2. Ensure that applicants communicate with citizens regarding Zoning Map amendments to promote early and effective citizen participation, and that the applicants work with citizens to resolve concerns at an early stage in the process.

B. Citizens review plan and report.

Applications for Zoning Map amendments shall include a citizen review process comprised of a citizen review plan and a citizen review report.

1. Citizen review plan.

A citizen review plan shall be submitted with the application and implemented before the notice of the first public hearing. At a minimum, the citizen review plan shall include the following:

- a. The means by which land owners and other potentially affected citizens and landowners within 300 feet of the subject project will receive early notification by the applicant of the substance of the request in order to promote early citizen involvement. The applicant's notification shall be made before submittal of the application to the City.
- b. The early notification by the applicant shall also identify the method by which adjacent landowners, and other potentially affected citizens, will be provided an opportunity to express any issues or concerns before the notice of the first public hearing.
- c. Additional information as required on the "Citizen Review Process Checklist" provided by City staff. The Director has the authority to prepare and amend the "Citizen Review Process Checklist" and the Department and the City Clerk's office shall make the "Citizen Review Process Checklist" available to the public for inspection and copying.

- d. The applicant shall be responsible for notifying parties identified in the citizen review plan of any modification(s) to their proposal before the notice of the first public hearing. The means of notification of the modification(s) shall be identified in the citizen review report described in Subparagraph 2., immediately below.

2. Citizen review report.

The applicant shall also provide to the City staff a written report of the results of their citizen review effort before the notice of the first public hearing.

- a. This report on the applicant's citizen review effort shall be included with the Department's public hearing report.
- b. The means of notifying citizens identified in the case of a modification(s) shall be identified in the citizen review report.
- c. If the citizen review report has been submitted and an additional modification(s) occurs, the applicant shall submit an addendum to the citizen review report.
- d. The addendum shall describe the citizen involvement process which provided citizens with the opportunity to review and comment on the modification(s).

3. Incomplete citizen review plan and/or report.

If the citizen review plan and/or report does not meet the requirements identified above, the application for the Zoning Map amendment shall be considered incomplete and shall not be scheduled for public hearing.

14.56.060 - Commission's Action on Amendments

Following the Commission's action on the proposed amendment, a written staff report shall be prepared which shall include detailed recommendations to the Council whether to approve, approve in modified form, or disapprove the proposed amendment, based upon the findings contained in Section 14.56.080 (Findings and Decision), below.

14.56.070 - Council's Action on Amendments**A. For all amendments.**

Upon receipt of the Commission's recommendation, the Council shall approve, approve in modified form, or disapprove the proposed amendment based upon the findings in Section 14.56.080 (Findings and Decision), below.

B. For Zoning Map amendments.**1. 20 percent protest.**

If the owners of at least 20 percent either of the area of the lots included in a proposed amendment, or of those lots located immediately adjacent (see Subparagraph B. 4, below) to the lot(s) subject to the amendment, file a written protest against the amendment, the amendment shall only become effective by the favorable vote of three-fourths of the Council, in compliance with State law (A.R.S. Section 9-462.04 H.)

2. Minimum Council vote.

If all seven Council members are present and eligible to vote, it shall require the favorable vote of at least six members to approve the amendment.

3. Received five days before hearing.

In order to qualify for the 20 percent threshold, the written protests shall be received by the Department or City Clerk at least five days before the scheduled Council hearing on the amendment.

4. Immediately adjacent.

In order to qualify as immediately adjacent, the written protests shall be only from owners of lots located within 150 feet of the lot(s) subject to the proposed amendment. The 150-foot measurement shall be taken from the rear, side, or directly opposite the lot(s) subject to the amendment, extending 150 feet from the street frontage of the opposite lots.

14.56.080 - Findings and Decision**A. Findings for General Plan amendments.**

An amendment to the General Plan may be approved only if all of the following findings of fact can be made in a positive manner:

1. The proposed amendment is consistent with the maps and policies of the General Plan;
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City; and
3. The site is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested/anticipated land use developments.

B. Findings for Development Code/Zoning Map amendments.

An amendment to this Development Code or the Official Zoning Map may be approved only if the review authority first finds all of the following, as applicable to the type of amendment.

1. Findings required for all Development Code/Zoning Map amendments:

- a. The proposed amendment is consistent with the maps and policies of the General Plan and any applicable specific plan; and
- b. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

2. Additional finding for Development Code amendments:

The proposed amendment is internally consistent with other applicable provisions of this Development Code.

3. Additional findings for Zoning Map amendments:

- a. The area under consideration is an appropriate area for treatment as a unit in zoning;
- b. A current public need has been demonstrated for the range of uses allowed by the requested zoning district;
- c. The public need is best met by the proposed zoning map change on the proposed land as compared with other viable property zoned for the proposed uses or susceptible to rezoning for the proposed uses;
- d. The surrounding property would not be adversely affected by approval of the request, or the adverse effects are properly addressed by conditions which may be placed on the approval;
- e. All public facilities and services to the uses allowed by the proposed zoning are available, or may be made available in conjunction with development, and the construction of any required improvements needed to meet City standards is guaranteed by binding agreement between the developer and the City and/or are programmed for installation in the City's capital improvements budget for the current year. Public facilities and services shall include drainage, sewer, transportation, water, and public safety facilities which conform to adopted master service plans and are installed in compliance with adopted City construction standards; and
- f. Areas requested to be rezoned for multi-family, commercial, or industrial uses shall, as a prerequisite to approval of the requested zoning, be first included within a City drainage, sewer, and water service district for which master service plans have been adopted.

14.56.090 - Effective Dates

A. General Plan amendments.

A General Plan amendment shall become effective immediately upon the adoption of a resolution by the Council.

B. Development Code and Zoning Map amendments.

A Development Code/Zoning Map amendment shall become effective after the 30th day following the adoption of an ordinance by the Council.

Amendments	14.56
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CHAPTER 14.58 - PUBLIC HEARINGS

Sections:

- 14.58.010 - Purpose of Chapter
- 14.58.020 - Notice of Hearing
- 14.58.030 - Review Authority Decision and Notice
- 14.58.040 - Recommendation by Commission
- 14.58.050 - Effective Date of Decision
- 14.58.060 - Hearing Procedures

14.58.010 - Purpose of Chapter

This Chapter establishes procedures for public hearings before the Director, BOA, Commission, and Council. When a public hearing is required by this Development Code, public notice shall be given and the hearing shall be conducted as provided by this Chapter.

14.58.020 - Notice of Hearing

When a land use permit or other matter requires a public hearing, the public shall be provided notice of the hearing in compliance with State law (A.R.S. Section 9-462.04) and as required by this Chapter.

A. Contents of notice.

Notice of a public hearing shall include:

1. Hearing information.

The date, time, and place of the hearing and the name of the hearing body; a brief description of the City's general procedure concerning the conduct of hearings and decisions; and the phone number and street address of the Department, where an interested person could call or visit to obtain additional information; and

2. Project information.

The name of the applicant; the City's file number assigned to the application; a general explanation of the matter to be considered; a general description, in text and/or by diagram, of the location of the property that is the subject of the hearing.

B. Method of notice distribution.

Notice of a public hearing required by this Chapter for an amendment, appeal, permit, or entitlement shall be given as follows, in compliance with State law (A.R.S. Section 9-462.04).

1. Mailing.

- a. Notice shall be sent, by first class mail, at least 15 days before the hearing, with postage prepaid, to:
 - (1) The owner(s) of the property being considered or the owner's agent, and the applicant(s);
 - (2) Each local agency expected to provide schools, water, or other essential facilities or services to the project, whose ability to provide the facilities and services may be significantly affected;
 - (3) All owners of real property as shown on the County's last assessment within a 300-foot radius of the subject lot; and
 - (4) Any person who has filed a written request for notice with the Director and has paid the fee established by the Council's Fee Resolution for the notice.
- b. The 300-foot radius shall be measured from the exterior boundaries of the subject lot to the exterior boundaries of the neighboring lots, without reference to structures existing on either lot(s) in the following manner:
 - (1) Notification boundaries shall always include all lots on both sides of interior residential streets; and
 - (2) For proposed projects fronting on major arterial streets or highways the 300-foot radius shall not include the width of the adjoining right-of-way but shall be measured entirely from the opposite side of the arterial street or highway.

2. Additional required notice.

Notice shall also be given in the following manner:

a. Published notice.

Published at least once in a local newspaper of general circulation within the City at least 15 days before the hearing; and

b. Posted notice.

- (1) Posted, at least 15 days before the hearing, on the subject site and in at least three public places in the City, in compliance with State law (A.R.S. Section 9-462.04 A.1).

- (2) All posted notices shall be printed so that the material (e.g., present and proposed zoning districts, date and time of the hearing, etc.) is visible from a distance of at least 100 feet.

3. Standards governing land uses.

Any proposed change, or related series of changes, in the standards governing land uses shall provide notice in the following manner, in compliance with State law (A.R.S. Sections 9-462.04 A.4 and A.5):

- a. In proceedings involving one or more of the following proposed changes, or related series of changes, in the standards governing land uses, notice shall be provided in compliance with Subparagraph b., immediately below:

- (1) A 10 percent or more increase or decrease in the number of square feet or the amount of units that may be developed;
- (2) A 10 percent or more increase or reduction in the allowable height of structures;
- (3) An increase or reduction in the allowable number of stories of structures;
- (4) A 10 percent or more increase or decrease in setback or open space requirements; or
- (5) An increase or reduction in allowed uses.

- b. In proceedings governed by Subparagraph a., immediately above, notice shall be provided to real property owners in compliance with at least one of the following notification procedures:

- (1) Notice shall be sent, by first class mail, at least 15 days before the hearing, with postage prepaid, to each real property, as shown on the County's last assessment, whose real property is directly governed by the change(s);
- (2) If the City issues utility bills or other mass mailings that periodically include notices or other informational or advertising materials, the City shall include notice of the changes with the utility bills or other mailings; or
- (3) The City shall publish the changes in a local newspaper of general circulation within the City at least 15 days before the first hearing on the changes. The changes shall be published in a "display ad" covering not less than one-eighth of a full page.

C. Additional optional notice.

In addition to the methods of notice required by Subsection B. (Method of notice distribution), above, the Director may provide additional notice with content or using a distribution method as the Director determines is necessary or desirable (e.g., use of a greater radius for notice, on the Internet, etc.).

D. Failure to receive notice.

The failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the actions of the City, in compliance with State law (A.R.S. Section 9-462.04 A.7).

14.58.030 - Review Authority Decision and Notice**A. Decision.**

1. The review authority (Director, BOA, Commission, or Council, as applicable) may announce and record their decision on the matter being considered at the conclusion of a scheduled hearing or defer action and continue the matter to a later meeting agenda in compliance with Section 14.58.060 (Hearing Procedures), below.
2. The Director may instead refer the matter to the BOA or Commission for determination. A referral shall require a new noticed hearing before the BOA or Commission.
3. The action of the BOA or Commission shall be by affirmative vote of not less than a simple majority of a quorum, except where State law requires a different percentage.
4. The decision of the Council on any matter shall be final.

B. Notice of decision.

The notice of decision shall contain any conditions of approval determined to be reasonable and necessary to protect the public convenience, health, interest, safety, or general welfare of the City.

C. Mailing of the notice.

1. Following the date that the final decision or recommendation is rendered by the applicable review authority, notice of the decision shall be mailed to the applicant at the address shown on the application.
2. A copy of the notice of decision shall also be sent to the property owner, if different from the applicant, to all other persons who have filed a written request for notice, and to each member of the BOA, Commission, and Council.

14.58.040 - Recommendation by Commission**A. Commission's action.**

At the conclusion of any public hearing on an amendment (e.g., General Plan, Development Code, or Zoning Map) the Commission shall forward a recommendation, including all required findings, to the Council for final action.

B. Mailing of recommendation.

Following the hearing, a copy of the Commission's recommendation shall be mailed to the applicant at the address shown on the application.

14.58.050 - Effective Date of Decision

A decision of the Director, BOA, Commission, or Council (other than a recommendation in compliance with Section 14.58.040) shall become effective following the final decision by the applicable review authority, in compliance with Table 5-2, below, unless an appeal of the review authority's action has been filed in compliance with Chapter 14.60 (Appeals).

**TABLE 5-2
EFFECTIVE DATE OF DECISION**

Applicable Review Authority	Effective Dates Following Decision
Director or Zoning Administrator	15 days
Commission	15 days
BOA	30 days
Council	30 days following date of adoption, unless enacted as an emergency ordinance.

14.58.060 - Hearing Procedures

A. Holding of hearings.

Hearings shall be held at the date, time, and place described in the public notice required by this Chapter.

B. Continuances.

If a hearing cannot be completed on the scheduled date, the presiding BOA member, Commissioner, or Councilperson before the adjournment or recess of the hearing, may continue the hearing by publicly announcing the date, time, and place to which the hearing will be continued.

C. Additional notice not required.

Additional notice for the continued hearing is not required.

Public Hearings

14.58

CHAPTER 14.60 - APPEALS

Sections:

- 14.60.010 - Purpose of Chapter
- 14.60.020 - BOA's Review
- 14.60.030 - Commission's Review
- 14.60.040 - Council's Review
- 14.60.050 - Eligibility
- 14.60.060 - Appeal Subjects and Jurisdiction
- 14.60.070 - Application Filing, Processing, and Review of, and Action on Appeals
- 14.60.080 - Appeals of Dedication or Exaction Requirements

14.60.010 - Purpose of Chapter

This Chapter establishes procedures for the following:

- A. BOA.**
The BOA's review of a decision rendered by the Director in compliance with State law (A.R.S. Section 9-462.06).
- B. Commission's review.**
The Commission's review of a decision rendered by the Director;
- C. Council's review.**
The Council's review of a decision rendered by the Director or Commission; and
- D. Eligibility.**
Other eligible appellants, in compliance with Section 14.60.050 (Eligibility), below.

14.60.020 - BOA's Review

- A. Review.**
The BOA may choose to review a decision rendered by the Director, when the Director is acting as the Zoning Administrator.
- B. Discussion.**
 - 1. A member of the BOA may request the opportunity to discuss any decision previously rendered.

Appeals

14.60

2. A majority vote of the BOA is required to initiate an appeal of the decision, before the effective date of the Director's decision.

C. Appeal.

Once the vote to initiate an appeal is passed by a majority, the matter shall be scheduled for hearing by the Director.

14.60.030 - Commission's Review**A. Review.**

The Commission may choose to review a decision rendered by the Director, when the Director is acting as the Director.

B. Discussion.

1. A member of the Commission may request the opportunity to discuss any decision previously rendered.
2. A majority vote of the Commission is required to initiate an appeal of the decision, before the effective date of the Director's determination.

C. Appeal.

Once the vote to initiate an appeal is passed by a majority, the matter shall be scheduled for hearing by the Director.

14.60.040 - Council's Review**A. Review.**

The Council may choose to review a decision rendered by the Commission or Director, but only when the Director is acting as the Director.

B. Discussion.

1. A member of the Council may request the opportunity to discuss any decision previously rendered.
2. A majority vote of the Council is required to initiate an appeal of the decision, before the effective date of the review authority's determination.

C. Appeal.

Once the vote to initiate an appeal is passed by a majority, the matter shall be scheduled for hearing by the City Clerk.

D. Referral to applicable review authority.

The Council shall have the authority, at any time before its final determination on the appeal, to refer the matter back to the applicable review authority for additional consideration. The

Council may instruct the review authority to conduct an additional public hearing in order to accept new evidence relating to the matter subject to appeal.

E. Decision final.

The decision of the Council on the appeal shall be final and shall become effective upon adoption of the resolution by the Council.

14.60.050 - Eligibility

An appeal may be filed by:

A. Administrative determination.

Any eligible person affected by an administrative determination or decision by the Director.

B. Land use permit or hearing decision.

In the case of a land use permit or hearing decision by the Commission, by any eligible person affected by the decision and who, in person or through a representative, presented testimony at a public hearing in connection with the decision being appealed, or who otherwise informed the City in writing of the nature of their concerns before the hearing.

C. Definition of eligible person.

An eligible person is anyone who lives, or conducts business, within 300 feet of the subject property, or a member of the BOA, Commission, or Council.

14.60.060 - Appeal Subjects and Jurisdiction

Determinations and decisions that may be appealed, and the authority to act upon an appeal shall be as follows.

A. Entitlement or interpretation decisions appealed to BOA.

Decisions by the Director, when the Director is acting as the Zoning Administrator on specified entitlements (e.g., Minor Variances [Section 14.44.060]) and interpretations (Chapter 14.02) may be appealed to the BOA in compliance with Table 4-1 (Review Authority).

B. Permit decisions appealed to Commission.

Decisions by the Director, except when the Director is acting as the Zoning Administrator, may be appealed to the Commission in compliance with Table 4-1 (Review Authority). Decisions by the Commission may be appealed to the Council.

C. Code administration determinations appealed to Commission.

The following determinations and decisions of the Director, except when the Director is acting as the Zoning Administrator, may be appealed to the Commission and then to the Council:

1. Determinations on the meaning or applicability of the provisions of this Development Code that are believed to be in error, and cannot be resolved with staff; and

2. Any determination that a permit application or information submitted with the application is incomplete.

14.60.070 - Application Filing, Processing, and Review of, and Action on Appeals

A. Form of appeal.

1. Appeal applications addressed to the BOA or Commission shall be filed with the Department, while appeals addressed to the Council shall be filed with the City Clerk.
2. The appeal application shall:
 - a. Specifically state the pertinent facts of the case and the basis for the appeal;
 - b. Be accompanied by the information identified in the Department handout for appeal applications; and
 - c. Be accompanied by the filing fee established by the Council's Fee Resolution.

B. Delay of proceedings.

Filing of an appeal, other than a special action appeal, in compliance with State law (A.R.S. Section 9-462.06 K), shall delay all proceedings associated with the matter subject to the appeal (e.g., issuance of a Building or Grading Permit, etc.), pending the City's final action on the appeal.

C. Withdrawal.

An appeal may not be withdrawn nor dismissed before the scheduled public hearing.

D. Joining an appeal.

1. Only those persons who file an appeal within the specified appeal period shall be considered appellants of the matter under appeal.
2. Any person who wishes to join an appeal shall follow the same procedures for an appellant.
3. A person(s) shall not be allowed to join an appeal after the end of the specified appeal period.

E. Action on appeals.

The appeal body shall conduct a public hearing in compliance with Chapter 14.58 (Public Hearings).

1. Scope of review and decision.

When reviewing an appeal, the appeal body may:

- a. Consider any issues associated with the decision being appealed, in addition to the specific grounds for the appeal;
- b. Uphold, uphold in part, or reverse the action, the determination, or decision that is the subject of the appeal; and
- c. Adopt additional conditions of approval deemed reasonable and necessary.

2. New evidence.

If new or different evidence is presented during the appeal hearing, the BOA, Commission, or Council, may refer the matter back to the Director or Commission, as applicable, for a report on the new or different evidence before a final decision on the appeal.

3. Findings.

When reviewing an appeal, the appeal body shall adopt findings in support of the intended action on the appeal. The nature of the findings shall be in compliance with the findings adopted by the original review authority (e.g., Conditional Use Permits - Section 14.44.050 and Variances - Section 14.44.060, etc.).

F. Mailing of resolution.

The Director or City Clerk, as applicable to the level of appeal body, shall mail a copy of the decision to the appellant and the applicant (if not the appellant) following the date the decision on the appeal is rendered.

14.60.080 - Appeals of Dedication or Exaction Requirements**A. Purpose.****1. Comply with State law.**

The purpose of this Section is to comply with the provisions of State law (A.R.S. Sections 9-500.12 and 9-500.13).

2. Establish a position of Administrative Hearing Officer.

The adoption of this Section will establish a position of Administrative Hearing Officer to consider and rule upon appeals by property owners from final determinations made by any administrative agency or official of City that condition an approval for the use, improvement, or development of real property on the requirement of an exaction or dedication.

3. Provide administrative procedures.

In addition to establishing the position of Administrative Hearing Officer, this Section provides for administrative procedures governing appeals initiated by aggrieved property owners which shall be followed by property owners, City administrative agencies and officials, and the Administrative Hearing Officer in deciding these appeals.

B. Establishment of Administrative Hearing Officer.**1. Position of Administrative Hearing Officer is created.**

In order to decide appeals commenced by property owners from any final determination made by an administrative agency or official of the City that conditions an approval for the use, improvement, or development of real property on the requirement of an exaction or dedication, there shall be, and is created, the position of Administrative Hearing Officer.

2. Commission to sit as Administrative Hearing Officer.

For purposes of this Section, the Commission shall be authorized to sit as the Administrative Hearing Officer.

C. Notice to property owners of rights to appeal.

In each case in which a City administrative agency or City official grants an approval for the use, improvement, or development of real property subject to the requirement of a dedication or exaction as a condition of granting the approval, the City shall notify the property owner in writing that the property owner has the right to appeal the dedication or exaction and shall additionally provide the property owner with a written description of the appeal process.

D. Waiver of right to appeal prohibited.

No official, agency, or employee of the City shall request any property owner to waive their right of appeal at any time.

E. Appeal application and procedure.**1. Appeal to be received within 30 days.**

The appeal of a property owner shall be in writing and received by the Administrative Hearing Officer within 30 days after the final determination is made.

2. No fee shall be charged.

No fee shall be charged to a property owner for filing the appeal.

3. Appeal hearing within 30 days of filing.

After receipt of a written request for an appeal, the Administrative Hearing Officer shall schedule a time and date for the hearing no later than 30 days following the receipt of the appeal.

F. Hearing an appeal.

At the time of the hearing on the appeal, the City shall have the burden to establish that there is an essential nexus between the dedication or exaction and a legitimate governmental interest

and that the proposed dedication or exaction is roughly proportional to the impact of the proposed use, improvement, or development.

G. Decision of Administrative Hearing Officer.

1. Decision on appeal within five working days after the hearing.

The Administrative Hearing Officer shall decide the appeal within five working days after the hearing.

2. Action by Administrative Hearing Officer.

If the City does not meet its burden under Subsection F. (Hearing on appeal), above, the Administrative Hearing Officer shall modify or delete the requirement of the dedication or exaction.

3. Filing of complaint with Superior Court within 30 days.

If the Administrative Hearing Officer modifies or affirms the requirement of the dedication or exaction, a property owner aggrieved by a decision of the Hearing Officer may, at any time within 30 days after the Hearing Officer has rendered a decision, file a complaint for a trial de novo in the Superior Court.

H. Exception to right of appeal.

This Section does not apply to a dedication or exaction required in a legislative act of the Council that does not give discretion to a City administrative agency or City official to determine the nature or extent of the dedication or exaction.

Appeals	14.60
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CHAPTER 14.62 - ENFORCEMENT

Sections:

- 14.62.010 - Purpose of Chapter
- 14.62.020 - Permits and Licenses
- 14.62.030 - Official Duty to Enforce
- 14.62.040 - Inspections
- 14.62.050 - Permit Revocation or Modification
- 14.62.060 - Public Nuisance
- 14.62.070 - Initial Enforcement Action
- 14.62.080 - Responsible Party
- 14.62.090 - Legal Remedies
- 14.62.100 - Additional Permit Processing Fees
- 14.62.110 - Reinspection Fees

14.62.010 - Purpose of Chapter

The purpose of this Chapter is to provide procedures which are intended to ensure compliance with the requirements of this Development Code and any conditions of land use permit or subdivision approval, to promote the City's planning efforts, and for the protection of the public health, safety, and general welfare of the City.

14.62.020 - Permits and Licenses

All departments, officials, and public employees of the City who are assigned the authority or duty to issue permits or licenses shall comply with State law (A.R.S. Section 9-462.05) and the provisions of this Development Code.

- A. Permits in conflict with Development Code.**
Permits for uses or structures that would be in conflict with the provisions of this Development Code shall not be issued.
- B. Permits deemed void.**
Any permit issued in conflict with the provisions of this Development Code shall be deemed void.
- C. Actions deemed void.**
Any action taken by an official or public employee of the City in conflict with the provisions of this Development Code shall be deemed void.

14.62.030 - Official Duty to Enforce**A. Responsibility to enforce.**

The Director is charged with the responsibility to enforce the provisions of this Development Code and any conditions of land use permit or subdivision approval, and may:

1. Exercise the authority provided in Section 14.62.090 (Legal Remedies), below; and
2. Issue civil citations for any violation(s) of this Development Code pertaining to the use of any land and the addition, alteration, construction, conversion, erection, installation, moving, reconstruction, or use of any structure.

B. Other City officials.

All officials of the City charged by the law with the general duty of enforcing City codes and ordinances shall also enforce the provisions of this Development Code.

14.62.040 - Inspections**A. Preapproval inspections.**

Every applicant seeking a permit or any other action in compliance with this Development Code shall allow the City officials handling the application access to any premises or property which is the subject of the application.

B. Post approval inspections.

If the permit or other action is approved, the owner or applicant shall allow appropriate City officials access to the premises in order to determine continued compliance with the approved permit and/or any conditions of approval imposed on the permit.

14.62.050 - Permit Revocation or Modification**A. Procedures.**

This Section provides procedures for securing punitive revocation or modification of previously approved land use permits or entitlements (e.g., Conditional Use Permits, Planned Development Permits, Temporary Use Permits, and Variances).

B. Revocations.

The City's action to revoke an entitlement shall have the effect of terminating the entitlement and denying the privileges granted by the original approval.

C. Modifications.

1. The City's action to modify an entitlement, rather than to revoke it, shall have the effect of changing the operational aspects of the entitlement.
2. The changes may include the operational aspects related to buffers, duration of the entitlement, hours of operation, landscaping and maintenance, lighting, parking, performance guarantees, property maintenance, signs, surfacing, traffic circulation, etc.

D. Hearings and notice.

1. Upon violation of any applicable provision of this Development Code or if granted subject to conditions, upon failure to comply with those conditions, the permit or entitlement shall be suspended by action of the Director, in compliance with this Section.
2. The Director shall give written notice to the applicant of the intent to suspend or revoke the permit and provide the basis for the suspension or revocation.
3. The applicant shall have 30 days from the date of the Director's notification to take remedial actions to correct the conditions of suspension or revocation.
4. At the end of the 30-day notification period the Director shall conduct a reinspection, and if not satisfied that the basis for the suspension is being complied with, may revoke the permit.
5. The applicant, within 30 days from the date of the Director's notification to revoke the permit, may file an appeal to the Commission in compliance with Chapter 14.60 (Appeals).
6. The applicant may also appeal the Commission's determination to the Council, in compliance with Chapter 14.60 (Appeals).

E. Review authority's action:**1. Permits.**

A land use permit or entitlement may be revoked or modified by the review authority (e.g., Director, BOA, Commission, or Council) which originally approved the permit or entitlement if any one of the following findings of fact can be made in a positive manner:

- a. Circumstances under which the permit was granted have been changed by the applicant to a degree that one or more of the findings contained in the original permit can no longer be made in a positive manner and the public health, safety, and welfare require the revocation;
- b. The permit was issued, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application, or in the applicant's testimony presented during the public hearing for the permit;
- c. One or more of the conditions of the permit have not been substantially fulfilled or have been violated;
- d. The improvement authorized in compliance with the permit is in violation of any code, law, ordinance, regulation, or statute; or
- e. The improvement/use allowed by the permit has become detrimental to the public health, safety, or welfare, or the manner of operation constitutes or is creating a public nuisance.

2. Variances or Minor Variances.

A Variance or Minor Variance may be revoked or modified by the review authority which originally approved the entitlement if any one of the following findings of fact can be made in a positive manner, in addition to those outlined in Subsection B.1, above:

- a. Circumstances under which the entitlement was granted have been changed by the applicant to a degree that one or more of the findings contained in the original entitlement can no longer be made in a positive manner, and the grantee has not substantially exercised the rights granted by the Variance or Minor Variance; or
- b. One or more of the conditions of the Variance or Minor Variance have not been met, or have been violated, and the grantee has not substantially exercised the rights granted by the Variance or Minor Variance.

14.62.060 - Public Nuisance

Any structure or use which is altered, changed, constructed, converted, enlarged, erected, established, installed, maintained, moved, operated, or used contrary to the provisions of this Development Code or any applicable condition of approval imposed on a permit, is hereby declared to be unlawful and a public nuisance, and shall be subject to the remedies and penalties identified in this Chapter and Chapter 8.08 (Nuisances) of the Municipal Code.

14.62.070 - Initial Enforcement Action

This Section describes the procedures for initiating enforcement action in cases where the Director has determined that real property within the City is being used, maintained, or allowed to exist in violation of the provisions of this Development Code. It is the objective of these provisions to encourage the voluntary cooperation of responsible parties in the prompt correction of violations, so that the other enforcement measures provided by this Chapter may be avoided.

A. Notice to responsible parties.

The Director shall provide the record owner of the subject site and any person in possession or control of the site with a written Notice of Violation, which shall include the following information:

1. A description of the violation(s) and citations of applicable Development Code provisions being violated;
2. A time limit for correcting the violation(s) in compliance with Subsection B, below;
3. A statement that the property owner may request and be provided a meeting with the Director to discuss possible methods and time limits for the correction of the violation(s).

B. Time limit for correction.

1. The Notice of Violation shall state that the violation(s) shall be corrected within 30 days from the date of the notice to avoid further enforcement action by the City, unless the responsible party contacts the Director within that time to arrange for a longer period for correction.
2. The 30-day time limit may be extended by the Director upon determining that the responsible party will likely correct the violation(s) within a reasonable time.
3. The Director may also require through the Notice of Violation that the correction occur within less than 30 days if the Director determines that the violation(s) constitutes a hazard to public health or safety.

C. Use of other enforcement procedures.

The enforcement procedures of Section 14.62.090 (Legal Remedies) may be employed by the Director after or instead of the provisions of this Section where the Director determines that this Section would be ineffective in securing the correction of the violation(s) within a reasonable time.

14.62.080 - Responsible Party

The owner and/or person in possession of any property used in violation of this Development Code is responsible for any prohibited act(s) or violation(s) on the subject property.

A. Owner's responsibility.

The owner's responsibility applies whether or not the owner, or agent, is aware of the prohibited act(s), has committed the prohibited act(s), or has neglected to prevent the performance of the prohibited act(s) by another person(s).

B. Person in possession's responsibility.

The person in possession's responsibility applies whether or not the person in possession, or agent, is aware of the prohibited act(s), has committed the prohibited act(s), or has neglected to prevent the performance of the prohibited act(s) by another person(s).

14.62.090 - Legal Remedies

The City may choose to undertake any of the following legal actions to correct and/or abate any nuisance or violation(s) of this Development Code.

A. Civil actions.**1. Commencement of action.**

A civil violation may be commenced by issuance of a civil citation or complaint.

2. Form of civil citation and required appearance.

The civil citation shall direct the defendant to appear in City Court at the time and date described on the citation at the time of issuance.

3. Failure to appear.

The civil citation shall further notify the defendant that failure to appear on or before the date specified in the complaint will result in a judgment by default entered against the defendant. Additionally, the court may, at its discretion, impose a civil penalty in compliance with State law, or as the law may be amended from time to time.

4. Methods of service.

Service of the civil citation may be accomplished, and shall be deemed proper and complete, by any of the following methods:

- a. By having the defendant sign the civil citation with promise to appear in court at the time and date described on the citation at the time of issuance;
- b. By hand-delivering a copy of the civil citation to the defendant;
- c. By mailing a copy of the civil citation to the person charged by certified or registered mail, return receipt requested, to the person's last known address; or
- d. In the event service cannot be accomplished as identified in Subparagraphs a., b., or c., above, the City may serve the defendant by any means allowed by the Arizona Rules of Civil Procedure for the Superior Court.

5. Authority to issue civil citations.

- a. The City Manager or designee, or any City peace officer, may issue a civil citation in compliance with this Chapter.
- b. Designee, as used above, shall mean an individual employed by the City who has been appointed by the City Manager, in writing, to have the authority to issue civil citations.
- c. The written authorization shall be filed with the City Clerk.

B. Civil remedies and penalties.**1. Civil penalties.**

Any person, firm, or corporation that willfully violates the provisions of this Development Code, or any permit issued in compliance with this Development Code, shall be liable for a civil violation punishable by imposition of a civil penalty in an amount not to exceed \$2,500.00 or as the fine may be amended from time to time.

2. Additional civil penalties.

Upon a finding of liability for civil violation of this Development Code the court should impose a civil penalty in an amount not to exceed \$2,500.00 or as the fine may be amended from time to time. The judge should not suspend the imposition of the civil penalty unless, at the time of sentencing, the court finds, by a preponderance of the evidence, that the violation(s) the defendant was found liable for has been corrected and that the defendant is now in full compliance with this Code. In that event, the judge may suspend all or part of the civil penalty.

3. Costs and damages.

Any person violating any provisions of this Development Code or any permit issued in compliance with this Development Code, shall be liable to the City for the costs incurred and the damages suffered by the City, its agents, and agencies as a direct result of the violations.

4. Considerations.

In determining the amount of the civil penalty to impose, the court should consider all relevant circumstances, including the extent of the harm caused by the conduct constituting a violation, the nature and persistence of the conduct, the length of time over which the conduct occurred, the assets, liabilities, and net worth of the defendant, whether corporate or individual, and any corrective action taken by defendant.

5. Appearance by defendant.**a. Appearance required.**

The defendant shall, at the time and date described on the citation at the time of issuance, appear in person or through an attorney in the City Court and shall either admit or deny the allegations contained in the citation.

b. Admits the allegation.

If the defendant admits the allegation, the court shall enter judgment against the defendant and impose a civil penalty in compliance with State law, or as the law may be amended from time to time.

c. Denies the allegation.

If the defendant denies the allegation contained in the civil citation, the court shall set the matter for hearing.

6. Default judgment.

If a person served with a complaint fails to appear on or before the time directed to appear or at the time set for hearing by the court, the allegations in the complaint shall be deemed admitted and the court shall enter judgment for the City and impose a civil penalty in compliance with State law, or as the law may be amended from time to time.

7. Rules of procedure.

The Arizona Rules of Court for civil traffic violation cases, local rules of the City Court, and rules set by the Arizona Supreme Court shall be followed by the City Court for civil violations of this Chapter.

8. Collection of fines.

Any judgment for civil penalty taken in compliance with this Chapter may be collected as any other civil judgment.

C. No limit on City's options.

The penalties identified in this Chapter do not limit the right of the City through its legal representative(s), as authorized by the Council upon request of the enforcing officials, to institute any appropriate legal procedure(s) as prescribed by law to abate, correct, enjoin, or restrain any actual or threatened violation of this Development Code, unless superceded by the Superior Court.

D. Jurisdiction of City Court.**1. City Court.**

Jurisdiction of all proceedings to enforce the provisions of this Chapter shall be in City Court. Additional actions shall be handled by the Superior Court.

2. Judge or hearing officer.

Civil actions to enforce this Chapter may be adjudicated by a judge or a court hearing officer.

14.62.100 - Additional Permit Processing Fees

Any person who alters, constructs, converts, enlarges, erects, establishes, installs, maintains, moves, or operates any land use or structure without first obtaining a permit or entitlement required by this Development Code, shall pay the additional permit processing fees established by the Council's Fee Resolution for the correction of the violation(s), before being granted a permit for a use or structure on the site.

14.62.110 - Reinspection Fees**A. Amount and applicability of reinspection fee.**

1. A reinspection fee shall be imposed on each person who receives a Notice of Violation, notice and order, or letter of correction of any provision of this Development Code, the Municipal Code, or State law.
 - a. The fee amount shall be established by the Council's Fee Resolution.
 - b. The fee may be assessed for each inspection or reinspection conducted when the particular violation(s) for which an inspection or reinspection is scheduled is not fully abated or corrected as directed by, and within the time and manner specified in, the notice or letter.
2. The fee shall not apply to the original inspection to document the violation(s) and shall not apply to the first scheduled compliance inspection made after the issuance of a notice or letter, whether or not the correction has been made.

B. Continuation of the original case.

1. If a notice or letter has been previously issued for the same violation(s) and the property has been in compliance with the provisions of this Development Code or the Municipal Code for less than 180 days, the violation(s) shall be deemed a continuation of the original case, and all inspections or reinspections, including the first inspection for the repeated offense, shall be charged a reinspection fee.
2. This fee is intended to compensate for administrative costs for unnecessary City inspections, and is not a penalty for violating this Development Code or the Municipal Code.
3. Any reinspection fees imposed shall be separate and apart from any civil fines or penalties imposed for violation of this Development Code or the Municipal Code, or costs incurred by the City for the abatement of a public nuisance.

Enforcement

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ARTICLE 4

Land Use Permits

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CHAPTER 14.42 - APPLICATION FILING AND PROCESSING

Sections:

- 14.42.010 - Purpose of Chapter
- 14.42.020 - Authority for Land Use and Zoning Decisions
- 14.42.030 - Concurrent Permit Processing
- 14.42.040 - Application Preparation and Filing
- 14.42.050 - Application Fees
- 14.42.060 - Initial Application Review

14.42.010 - Purpose of Chapter

The purpose of this Chapter is to provide procedures and requirements for the preparation, filing, and processing of applications for the land use permits required by this Development Code.

14.42.020 - Authority for Land Use and Zoning Decisions

Table 4-1 (Review Authority) identifies the City official or body responsible for reviewing and making decisions on each type of application, land use permit, and other approvals required by this Development Code.

14.42.030 - Concurrent Permit Processing

When a single project incorporates different land uses or features so that this Development Code requires multiple land use permit applications, the Director may determine that all of the applications shall be reviewed, and approved or disapproved, by the highest level review authority assigned by Table 4-1 to any of the required applications. (For example, a project that requires a Zoning Map amendment and a Conditional Use Permit may be reviewed, and approved or disapproved by the Council (after a recommendation from the Commission), where a Conditional Use Permit application by itself may be reviewed and acted upon by the Commission.)

TABLE 4-1
REVIEW AUTHORITY (1)

Type of Decision	See Section	Director	Board of Adjustment	Planning Commission	City Council
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Administrative and Amendments

Abandonment of Easements	14.44.090				Decision
Development Code amendments	14.56			Recommend	Decision
General Plan amendments	14.56			Recommend	Decision
Interpretations	14.52	Decision (2)	Appeal		
Zoning Map amendments	14.56			Recommend	Decision

Land Use Permits and other Development Approvals

Annexations	14.44.100			Recommend	Decision
Conceptual Development Plans	14.44.070F.			Decision	
Conditional Use Permits	14.44.050			Decision	Appeal
Design Review	14.44.030	Decision (2)		Appeal	
Minor Conditional Use Permit	14.44.050	Decision (2)		Appeal	
Minor Variances	14.44.060	Decision (3)	Appeal		
Parking-In-Common Plans	14.36.070			Decision	
Planned Unit Developments	14.44.070			Recommend	Decision
Minor Changes to PD Permits	14.44.070	Decision (2)		Appeal	
Major Changes to PD Permits	14.44.070			Recommend	Decision
Sign Permits	14.38	Decision (2)			
Specific Plans	14.44.080			Recommend	Decision
Temporary Use Permits	14.44.040	Decision (2)		Appeal	
Variances	14.444060		Decision (4)		
Zone Clearances	14.44.020	Issued	Appeal		

Subdivision Plat Approvals

Lot Splits	Title 13	Decision		Appeal	
Lot Ties	Title 13	Decision		Appeal	
Preliminary Subdivision Plats	Title 13			Decision	

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Applications, Processing, and Fees

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Final Subdivision Plats

Title 13				Decision
Title 13				Decision
Title 13				Decision

Amended Plats

Variance to Subdivisions

Notes:

- (1) "Recommend" means that the review authority makes a recommendation to a higher decision-making body, "Decision" means that the review authority makes the final decision on the matter; "Appeal" means that the review authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with Chapter 14.60 (Appeals), and "Issue" means that the Director signs-off on the Zoning Clearance, thereby acknowledging compliance with this Development Code.
- (2) The Director may defer action on permit applications and refer the items to the Commission for the final decision.
- (3) The Director may defer action on Variance applications and refer the items to the BOA for the final decision.
- (4) Any person(s) aggrieved by a decision of the BOA may, at any time within 30 days after the BOA has rendered its decision, file a complaint for special action in the Superior Court to review the BOA's decision, in compliance with State law (A.R.S. Section 9-462.06 K.)

14.42.040 - Application Preparation and Filing

The preparation and filing of applications for land use permits, amendments (e.g., General Plan, Development Code, and Zoning Map), and other matters pertaining to this Development Code shall comply with the following requirements.

A. Preapplication review.

1. A prospective applicant or agent may request a preapplication review with the Department before completion of project design and the formal submittal of a permit application.
2. A request by an applicant for preapplication review, accompanied by preliminary project plans and designs and the required filing fee, shall be reviewed by all affected City departments and other selected agencies.
3. The reviewing City staff members shall inform the applicant of requirements as they apply to the proposed development project, provide a preliminary list of issues that will likely be of concern during formal application review, suggest possible alternatives or modifications to the project, and identify any technical studies that may be necessary for the review process when a formal application is filed.
4. Neither the preapplication review nor information and/or pertinent policies provided by the Department shall be construed as a Department recommendation for approval or disapproval of the application/project.

B. Application contents and fee.

Applications shall include the forms provided by the Department, and all information and materials required by the application content requirements handout provided by the Department for the specific type of application (e.g., Conditional Use Permit, Variance, or others), and the filing fee required by the Council's Fee Resolution.

C. Eligibility, filing.

All land use permit and other applications required by this Development Code shall be filed with the Department. Applications may be made by:

1. The owner of the subject property; or

2. Any agent or representative, with the written consent of the property owner.

D. Filing date.

The filing date of an application shall be the date on which the Department receives the last submission, map, plan, or other material required as a part of that application by Subsection 14.42.040 B. (Application contents and fees), above, in compliance with Section 14.42.060 (Initial Application Review) and deemed complete by the Director.

14.42.050 - Application Fees

A. Filing fees required.

1. The Council shall, by resolution, establish a schedule of fees for amendments, entitlements, and other matters pertaining to this Development Code, referred to as the Council's Fee Resolution.
2. The schedule of fees may be changed from time to time only by resolution of the Council.
3. The City's processing fees are cumulative. For example, if an application for a Lot Split also requires a Variance, both fees shall be charged.
4. Unusually large or complex projects may be subject to an hourly rate, in addition to the basic application fees/deposit, in compliance with the Council's Fee Resolution.
5. Processing shall not commence on an application until all required fees/deposits have been paid.
6. Without the application fee, or a deposit if appropriate, the application shall not be deemed complete.
7. The City is not required to continue processing any application unless additionally required fees/deposits (e.g., additionally required "real cost" deposits) are paid in full.
8. Failure to pay the applicable fees/deposits is grounds for rejection of the application. No permit application shall be processed without first being accompanied by the required fee, unless the fee is reduced or waived in compliance with Subsection B., below.

B. Fee reductions or waivers.

The City Manager may reduce or waive certain fees required by the Council's Fee Resolution for sufficient cause being demonstrated by the applicant in compliance with Section 2.20.070 (Waiver of fees) of the City Code.

C. Refunds and withdrawals.

1. Recognizing that filing fees are utilized to cover City costs of public hearings, mailing, posting, transcripts, and staff time involved in processing applications, no refunds due to a disapproval are allowed.
2. In the case of a withdrawal, the Director may authorize a partial refund based upon the pro-rated costs to-date and determination of the status of the application at the time of withdrawal.

14.42.060 - Initial Application Review

All applications filed with the Department in compliance with this Development Code shall be initially processed as follows.

A. Completeness review.

The Director shall review all applications for completeness and accuracy before they are accepted as being complete in compliance with Section 14.42.040 B. (Application contents and fees), above.

1. Notification of applicant.

The applicant shall be informed, either that the application is complete and has been accepted for processing, or that the application is incomplete and additional information, specified in a letter, shall be provided. All additional information needed shall be identified in the letter providing notice of an incomplete application.

2. Appeal of determination.

Where the Director has determined that an application is incomplete, and the applicant believes that the application is complete and/or that the information requested by the Director is not required, the applicant may appeal the determination in compliance with Chapter 14.60 (Appeals).

3. Expiration of application.

If the applicant does not provide the additional information required in compliance with Subsection A.1, above, within 120 days after the date of the letter requesting the additional information, the Director may consider the application withdrawn if the Director determines that reasonable progress toward completion of the application has not occurred. Application processing shall not resume thereafter until a new application is filed, including fees, plans, exhibits, and other materials that are required for any project on the same site.

4. Criteria for acceptance.

An application shall not be accepted as complete unless or until the Director determines that it:

- a. Is consistent with the goals and policies of the General Plan, and any applicable specific plan;
- b. Is in compliance with zoning district requirements applicable to the site, except for a Zoning Map amendment filed in compliance with Chapter 14.56 (Amendments); and

- c. Includes all information and materials required by Subsection 14.42.040 B. (Application contents and fees).

5. Violations on the site.

- a. The Director shall not find the application complete, and/or shall not process or approve the application, if conditions exist on the site in violation of this Development Code or any permit or other approval granted in compliance with this Development Code. The only exception shall be an application for an entitlement or permit needed to correct the on-site violation(s).
- b. The Director's authority under this Subsection shall apply whether:
 - (1) The current applicant was the owner of the subject property at the time the violation occurred; or
 - (2) The applicant is the current owner of the subject property with or without actual or constructive knowledge of the violation at the time of acquisition of the subject property.
- c. The Director's decision may be appealed in compliance with Chapter 14.60 (Appeals).

B. Referral of application.

At the discretion of the Director, or where otherwise required by this Development Code, State, or Federal law, any application filed in compliance with this Development Code may be referred to any public agency that may be affected by or have an interest in the proposed land use activity.

CHAPTER 14.44 - ENTITLEMENT APPROVAL OR DISAPPROVAL

Sections:

- 14.44.010 - Purpose of Chapter
- 14.44.020 - Zoning Clearances
- 14.44.030 - Design Review
- 14.44.040 - Temporary Use Permits
- 14.44.050 - Conditional Use Permits (includes Minor Conditional Use Permits)
- 14.44.060 - Variances (includes Minor Variances)
- 14.44.070 - Planned Development Permits
- 14.44.080 - Specific Plans
- 14.44.090 - Abandonment of Easements

14.44.010 - Purpose of Chapter

A. Permit review procedures.

The purpose of this Chapter is to provide procedures for the final review, and approval or disapproval of the land use permit applications established by this Development Code.

B. Subdivision review procedures.

Procedures and standards for the review and approval of subdivision maps are found in Title 13 (Subdivision Procedures).

C. Application filing and initial processing.

Where applicable, the procedures of this Chapter are carried out after those described in Chapter 14.42 (Application Filing and Processing), for each application.

14.44.020 - Zoning Clearances

A. Purpose of Section.

1. Procedure.

The purpose of this Section is to provide a procedure for issuing Zoning Clearances which are used to verify that a proposed structure or land use activity complies with the allowed list of activities and development standards applicable to the category of use or the zoning district of the subject lot.

2. Compliance.

Where Article 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards) requires Zoning Clearance as a prerequisite to establishing a land use, the Director shall evaluate the proposed use to determine whether a Zoning Clearance may be issued in compliance with this Section.

B. Applicability.**1. Zoning Clearance required.**

- a. A Zoning Clearance for a structure which is to be erected or remodeled shall be filed in conjunction with the companion Building Permit application;
- b. A Zoning Clearance for the use of vacant nonresidential land or structure(s) shall be filed at least 14 days before the intended use inauguration;
- c. In order to provide for an expeditious permit review/reconstruction process, which may only be available following the occurrence of a bona fide emergency (e.g., natural disaster, etc.), as determined by the Council, an Emergency Building Permit and Temporary Zoning Clearance may be issued by the appropriate City department; and
- d. No person shall occupy, use, or alter any structure, or change any use, or type or class of use, without first applying for and obtaining the required Zoning Clearance.

2. Director's action.

The Director shall issue the Zoning Clearance after determining that the proposed development/improvement complies with all of the applicable standards and provisions for the category of use or the zoning district of the subject lot, in full compliance with the City Code and this Development Code.

C. Conflicting permits prohibited.**1. Conformance.**

All Departments, officials, or public employees vested with the authority or duty to issue permits where required by law shall conform to the provisions of this Development Code. A permit for uses, structures, or purposes in conflict with the provisions of this Development Code shall not be issued.

2. Deemed void.

Any permit, issued in conflict with the provisions of this Development Code, shall be deemed void.

14.44.030 - Design Review**A. Purpose.**

The purpose of this Section is to provide procedures for the review and approval/disapproval of Design Review applications in order to guide the physical development of the City, consistent with good site and architectural principles. Specific objectives include the following:

1. To establish community design and aesthetics as planning considerations in evaluating new development;
2. To develop and implement policy which will encourage appropriateness and compatibility of new development with the existing natural and manmade environment, existing community activity patterns, and community identity; and
3. To develop and implement policy which will minimize or eliminate adverse visual effects caused or perpetuated by the location and design of new development, including effects from the following:
 - a. The architectural design, area, height, mass, and scale of structures;
 - b. Vehicular and pedestrian access ways and parking areas;
 - c. Existing or proposed alteration of natural topographic features and waterways; and
 - d. Other development or structures, including utility lines, storage or service areas, and advertising features which may result in interference with sun and light exposure, privacy, and the general aesthetic value of the neighborhood or area.

B. Applicability.**1. Design Review approval required.**

A use shall not be established nor shall a Building Permit be issued for a new structure, or for the substantial alteration of any existing use or structure, until a Design Review application including drawings, elevations, plans, site plans, and other documents have been reviewed and approved by the Director in compliance with the requirements of this Section.

2. Exceptions.

Exceptions to this requirement include only single- and two-family dwelling units. Mobile home and RV parks shall require Design Review.

C. Application filing, processing, and review.

An application for Design Review shall be filed in compliance with Chapter 14.42 (Application Filing and Processing). The application shall be accompanied by the information identified in the Department handout for Design Review applications. It is the responsibility of the applicant to

provide evidence to ensure that approval of the Design Review application would be in

compliance with the purpose and provisions of this Section, and to preserve the public health, safety, and general welfare.

D. Applicable review authority.

The Director shall be the responsible authority for the review and approval/disapproval of Design Review applications, in compliance with the provisions of this Section.

E. Consolidation of subdivision applications.

All applications submitted to the Department for approval of Preliminary Subdivision Plats, in compliance with Title 13, shall be accompanied by a Design Review application and supporting documents required by this Section. The Director shall waive the requirements identified in this Subsection in those cases where an applicant does not plan the construction of structures upon the real property proposed to be subdivided.

F. Changes to approved plans.

All construction, site development, and landscaping shall be carried out in substantial compliance with the drawings, plans, sketches, and other documents approved in compliance with this Section. Any proposed changes shall be submitted for review and approval in compliance with Section 14.54.050 (Changes to an Approved Project).

G. Process for Design Review.

An applicant for Design Review shall comply with the following procedural requirements in order to determine whether the request is in compliance with the provisions of the Section. The requirements for Design Review include the following:

1. Coordination of the Design Review process.

The Director shall have the responsibility of coordinating the Design Review process.

2. Preapplication conference.

A prospective applicant or agent may request the Director to arrange a preapplication conference in compliance with Subsection 14.42.040 A. (Preapplication review). The preapplication conference shall include review of applicable development standards.

3. Submittal of application.

The applicant or agent shall submit a Design Review application in compliance with Subsection C. (Application filing, processing, and review), above.

4. Criteria for Design Review.

In considering an application for Design Review, the Director shall be governed by the following criteria:

- a. The materials used in construction and finishing the structure(s), and the elevations of the structure(s), shall be compatible with the materials and elevations of the structures in the immediate vicinity of the applicant's request;
- b. The overall design of the structure(s) and its site shall not adversely affect the present or potential development of the nearby properties or the traffic pattern on abutting

streets by virtue of the type of structure(s), sign(s), or their placement on the lot and the location of parking and driveway access areas;

- c. All screening walls shall be compatible with the structure's design, color, and materials;
- d. Access, sewage disposal, water and other public services to and for the site shall be adequate to serve the proposed development;
- e. Specific provisions of deed restrictions and covenants to be recorded with the plat shall, where applicable, be adequate to ensure proper maintenance of all common areas or elements by the current and future property owners;
- f. On-site vehicular and pedestrian traffic circulation and parking shall be adequate and convenient to serve the intended users; and
- g. Landscaping shall be used, as necessary, to enhance, soften, or screen architectural features from street view or from the view of adjoining properties. Details of landscaping watering systems shall be adequate to ensure appropriate maintenance of all plant materials on the site, in compliance with Chapter 14.32 (Landscaping Standards).

H. Notice of decision.

A notice of decision by the Director concerning all Design Review applications shall be mailed to the applicant for the Design Review, posted in the Department seven days following the date on which the decision was rendered, and published once at least seven days before the decision becomes effective. The notice of decision shall contain the address or legal description of the subject property, a description of the proposed use, information as to where and when approved plans for the development may be reviewed, and information concerning how an appeal of the Director's decision may be filed.

I. Appeal of Director's decision.

The applicant, or any owner of a property located within 300 feet of the subject site, may appeal the Director's decision to the Commission, in compliance with Chapter 14.60 (Appeals).

1. Submitted in writing.

The appeal of the Director's decision shall be submitted in writing to the Department in compliance with Chapter 14.60 (Appeals).

2. Commissioner may request a hearing.

A member of the Commission may request a public hearing before the Commission within seven days of the initial posting of the notice of decision by the Director to consider the addition, modification, or deletion of any discretionary condition of approval.

3. Appeals concerning standards to BOA.

Appeals of the Director's decision concerning standard requirements of this Development Code shall be filed in compliance with Chapter 14.60 (Appeals) for consideration by the BOA.

4. Effective date.

The decision of the Director shall become effective in 10 days from the date of initial publication in a newspaper unless a written request for review is filed with the Department during the 10-day period.

5. Public hearing required.

The appeal shall consist of a public hearing by the Commission, in compliance with Chapter 14.58 (Public Hearings).

6. Commission's decision is final.

The Commission may affirm, reverse, or modify the decision being reviewed, and the decision of the Commission is final.

J. Validity of Director's approval.

The approval of the Director shall remain valid for a period of 12 months from the effective date of the approval.

1. Expiration of approval.

If, at the end of that time, construction has not begun in compliance with Section 14.54.040 (Time Limits and Extensions), Design Review approval shall expire and shall be in effect only if resubmitted for approval in compliance with this Section.

2. Conformance with approved plans.

All construction and development under any Building Permit shall be in conformance with the approved site plan and elevations.

3. Changes shall be approved in advance.

Any departure from the approved plans shall be cause for revocation of the Building Permit, disapproval of an Occupancy Permit, or revocation of an Occupancy Permit, unless the changes are approved in advance, in compliance with Section 14.54.050 (Changes to an Approved Project).

K. Conditions of approval.

In approving a Design Review, the Director may impose conditions (e.g., buffers, landscaping and maintenance, lighting, off-site improvements, parking, performance guarantees, property maintenance, signs, surfacing, traffic circulation, etc.) deemed reasonable and necessary to ensure that the approval would be in compliance with the purpose and provisions of this Section, and to preserve the public health, safety, and general welfare.

L. Post approval procedures.

The procedures relating to appeals, changes, expiration, performance guarantees, and revocation that are identified in Article 5 (Administration), and those identified in Chapter 14.54 (Entitlement Implementation, Time Limits, and Extensions), shall apply following the decision on a Design Review application.

14.44.040 - Temporary Use Permits**A. Purpose.**

The purpose of this Section is to provide procedures for the review and approval/disapproval of Temporary Use Permits that allow short-term activities that may not meet the normal development or use standards of the applicable zoning district, but may be acceptable because of their temporary nature.

B. Applicability.

Temporary land uses shall not be established, operated, or conducted in any manner without the approval and maintenance of a valid Temporary Use Permit in compliance with this Section. The following two categories of temporary uses identify the level of permit required, if any, based on the proposed duration, size, and type of use:

1. Exempt temporary uses are identified in Subsection C. (Exempt temporary uses), below;
or
2. Allowed temporary uses are identified in Subsection E. (Allowed temporary uses), below.

C. Exempt temporary uses.

The following minor and limited duration temporary uses are exempt from the requirement for a Temporary Use Permit. Uses that do not fall within the categories defined below shall comply with Subsection E. (Allowed temporary uses), below. The Director shall have the authority to determine if a proposed use, not identified within this Subsection, would also qualify for an exemption from the requirement for a Temporary Use Permit.

1. Car washes for fund raising.

Car washes, limited to a maximum of two days each month for each sponsoring organization, on non-residential properties. Sponsorship shall be limited to educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, or to tax exempt organizations in compliance with 501 (c) of the Federal Revenue and Taxation Code.

2. Construction yards - On-site.

On-site contractors' construction yards, in conjunction with an approved construction project on the same site. The construction yard shall be removed immediately upon completion of the construction project, or the expiration of the companion Building Permit authorizing the construction project, whichever first occurs.

3. Emergency facilities.

Emergency public health and safety needs/land use activities, as determined to be a true "emergency" by the Director.

4. Garage sales.

Garage sales are exempt from the requirement for a Temporary Use Permit; provided, that sales occur no more often than two times per year per residence, for a maximum of two consecutive days each.

D. Applicable time limits.

1. Up to 30 days.

A temporary use may be allowed for a maximum period of time identified by the Director, but not to exceed 30 days.

2. Only one per quarter.

Only one Temporary Use Permit may be issued to a person, business, or group (e.g., church group, fraternal organization, etc.) in each calendar quarter.

E. Allowed temporary uses.

The following temporary uses may be allowed, subject to the approval of a Temporary Use Permit by the Director. Uses that do not fall within the categories defined below shall comply with the use and development regulations and land use permit review provisions that otherwise apply to the subject property.

1. Car washes for fund raising.

Car washes, operating more than two days, but limited to a maximum of four days for each sponsoring organization. Sponsorship shall be limited to educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, or to tax exempt organizations in compliance with 501 (c) of the Federal Revenue and Taxation Code. No more than one Temporary Use Permit may be issued to a business, group, or person (e.g., fraternal organization, religious group, etc.) operating at the same location in each calendar quarter.

2. Construction yards - Off-site.

Off-site contractors' construction yards, in conjunction with an approved construction project. The permit shall expire and the construction yard shall be removed immediately upon completion of the construction project, or the expiration of the companion Building Permit authorizing the construction project, whichever first occurs.

3. Events.

- a. Amusement rides, arts and crafts exhibits, auctions, carnivals, circuses, concerts, fairs, farmer's markets, festivals, flea markets, food events, outdoor entertainment/sporting events, rodeos, rummage sales, second hand sales, and swap meets for 10 consecutive days or less, or six two-day weekends, within a 12-month period.
- b. Outdoor meetings, group activities, or sales within parking areas, for seven consecutive days or less, within a 90-day period.

4. Location filming activities.

The temporary use (up to a maximum of 30 consecutive days) of an approved site for the filming of commercials, movies, videos, etc. The Director shall make an additional finding: the approval would not result in a frequency of uses likely to create incompatibility between the temporary filming activity and the surrounding neighborhood.

5. Outdoor displays/sales.

The temporary outdoor display/sales of merchandise (e.g., parking lot or sidewalk sales) shall be allowed only in compliance with the following:

- a. A maximum of 25 percent of the existing parking spaces in a particular parking lot may be utilized for the sale.
- b. All parking lot entrances and exits shall be kept clear.
- c. Any activity proposed within a public right-of-way shall require a Special Event Permit from the City Clerk's Office.

6. Residence.

A mobile home as a temporary residence of the property owner when a valid Building Permit for a new single-family dwelling is in force, or for temporary caretaker quarters during the construction of a subdivision, multi-family, or non-residential project. The permit may be approved for a specified duration, or upon expiration of the Building Permit, whichever first occurs.

7. Seasonal sales lots.

Seasonal sales activities (for example, pumpkins, Christmas trees, etc.) including temporary residence/security trailers, on non-residential properties, for 30 days or less for each seasonal product, within a 12-month period.

8. Temporary structures.

A temporary classroom, office, or similar portable structure, including a manufactured or mobile unit, may be approved, for a maximum time period of 12 months, as an accessory use or as the first phase of a development project, in the commercial and industrial zoning districts.

9. Similar temporary uses.

Similar temporary uses which, in the opinion of the Director, are compatible with the zoning district and surrounding land uses, and are necessary because of unusual or unique circumstances beyond the control of the applicant.

F. Application filing, processing, and review.

An application for a Temporary Use Permit shall be filed with the Department and processed in the following manner.

1. Application requirements.

An application for a Temporary Use Permit shall be filed in compliance with Chapter 14.42 (Application Filing and Processing). The application shall be accompanied by the information identified in the Department handout for Temporary Use Permit applications. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection H. (Findings and decision), below.

2. Time for filing.

An application for a Temporary Use Permit shall be submitted for approval, in compliance with this Section, at least 15 days before the date that the proposed use is scheduled to take place.

3. Public hearing not required.

A public hearing shall not be required for a decision on a Temporary Use Permit.

G. Standards.

Standards for floor areas, heights, landscaping, parking, setbacks, and other structure and property development standards that apply to the category of use or the zoning district of the subject site shall be used as a guide for determining the appropriate development standards for temporary uses.

1. Adjustment of standards.

The Director may authorize an adjustment from the specific standards deemed necessary or appropriate consistent with the temporary nature of the use.

2. Removal of materials and structures associated with the temporary use.

All materials and structures associated with the temporary use shall be removed within 10 days from the actual termination of operations, or after the expiration of the Temporary Use Permit, whichever first occurs.

3. 30-day interval before new permit.

A minimum of 30 days shall pass between the issuance of a new Temporary Use Permit and the expiration of a similar Temporary Use Permit for the same property, or the actual removal of the materials and structures associated with the former use, whichever last occurs.

4. Other permits required.

Temporary uses may be subject to additional licenses, inspections, or permits required by applicable local, State, or Federal requirements.

H. Findings and decision.

A Temporary Use Permit may be approved, modified, conditioned, or disapproved by the Director. The Director may defer action and refer the application to the Commission for review and decision at a scheduled public hearing. The Director may approve or conditionally approve a Temporary Use Permit application, only after first finding that:

1. The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use;
2. The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City;
3. Approved measures for the removal of the use and site restoration have been required to ensure that no changes to the site would limit the range of possible future land uses otherwise allowed by this Development Code;
4. Adequate provisions have been made for fire protection, traffic access, parking, and circulation;
5. The use would meet all applicable county and State health and sanitation requirements;

6. The time limit for the temporary use is the minimum necessary to achieve the applicant's intent; and
7. The temporary use would be compatible with the uses allowed in the subject zoning district.

I. Conditions of approval.

In approving a Temporary Use Permit, the Director may impose conditions (e.g., buffers, hours of operation, landscaping and maintenance, lighting, off-site improvements, parking, performance guarantees, property maintenance, signs, surfacing, time limits, traffic circulation, etc.) deemed reasonable and necessary to ensure that the approval would be in compliance with the findings required by Subsection H. (Findings and decision), above, and to preserve the public health, safety, and general welfare.

J. Condition of site following temporary use.

Each site occupied by a temporary use shall be cleaned of debris, litter, or any other evidence of the temporary use upon completion or removal of the use, and shall thereafter be used in compliance with the provisions of this Development Code. The review authority may require appropriate security before initiation of the use to ensure proper cleanup after the use is finished.

K. Post approval procedures.

The procedures relating to appeals, changes, expiration, performance guarantees, and revocation that are identified in Article 5 (Administration), and those identified in Chapter 14.54 (Entitlement Implementation, Time Limits, and Extensions), shall apply following the decision on a Temporary Use Permit application.

14.44.050 - Conditional Use Permits**A. Purpose.**

Conditional Use Permits are intended to allow for activities and uses which may be desirable in the applicable zoning district and compatible with adjoining land uses, but whose effect on a site and its surroundings cannot be determined before being proposed for a particular location. The procedures of this Section provide for the review of the configuration, design, location, and potential impacts of the proposed use, to evaluate the compatibility of the proposed use with surrounding uses, and the suitability of the use to the site.

B. Applicability.

A Conditional Use Permit is required to authorize proposed land uses and activities identified by Article 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards) as being allowable in the applicable zoning district subject to the approval of a Conditional Use Permit.

C. Application requirements.

An application for a Conditional Use Permit shall be filed in compliance with Chapter 14.42 (Application Filing and Processing). The application shall be accompanied by the information identified in the Department handout for Conditional Use Permit applications. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection G. (Findings and decision), below.

D. Review authority.

Conditional Use Permits may be granted in compliance with the following:

1. Commission.

The Commission may grant a Conditional Use Permit for any use listed in Article 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards) as requiring a Conditional Use Permit; and

2. The Director may:

- a. Grant a Minor Conditional Use Permit for any use listed in Article 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards) as requiring a Minor Conditional Use Permit, in addition to those matters identified in Subsection E., below; or
- b. Defer action and refer the application to the Commission for formal action.

E. Minor Conditional Use Permits.

Minor Conditional Use Permits may be granted for only the following minor land use activities, in addition to those listed in Article 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards):

1. Arts and crafts exhibits, farmer's markets, and flea markets conducted at the same location on a semi regular basis (e.g., the first Sunday of each month).

2. Auctions, for more than two days each month for the sale of items (e.g., antiques, collectibles, house-hold components, motor vehicles, etc.) authorized to be sold by the auctioneer;
3. Commercial filming (e.g., commercials, movies, etc.) for more than 30 consecutive days; and
4. Temporary classrooms, offices, or similar structures, including a manufactured or mobile unit, which may be approved for a time period exceeding 12 months from the date of original approval, as an accessory use or as the first phase of a development project.

F. Project review, notice, and hearing.

1. Each Conditional Use Permit application shall be analyzed by the Director to ensure that the application is consistent with the purpose and intent of this Section. The Director shall submit a staff report and recommendation to the Commission for their consideration.
2. The Commission shall conduct a public hearing on an application for a Conditional Use Permit before the approval or disapproval of the permit.
3. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 14.58 (Public Hearings).
4. No public hearing shall be required for the Director's action on a Minor Conditional Use Permit.

G. Findings and decision.

Following a public hearing, the review authority may approve or disapprove an application for a Conditional Use Permit or a Minor Conditional Use Permit and shall record the decision and the findings upon which the decision is based. The review authority may approve the permit only after first finding that:

1. The proposed use is allowed with a Conditional Use Permit or Minor Conditional Use Permit, as appropriate to the request, within the applicable zoning district and complies with all applicable provisions of this Development Code;
2. The proposed use is consistent with the goals and policies of the General Plan and any applicable specific plan;
3. The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use;
4. The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City;

5. The subject site is adequate in terms of size, shape, topography, and circumstances and has sufficient access to streets and highways which are adequate in width and pavement type to carry the quantity and quality of traffic expected to be generated by the proposed use; and
6. The design, location, operating characteristics, and size of the proposed use would be compatible with the existing and future land uses in the vicinity, in terms of aesthetic values, character, scale, and view protection.

H. Conditions of approval.

In approving a permit, the review authority may impose conditions (e.g., buffers, hours of operation, landscaping and maintenance, lighting, off-site improvements, parking, performance guarantees, property maintenance, signs, surfacing, time limits, traffic circulation, etc.) deemed reasonable and necessary to ensure that the approval would be in compliance with the findings required by Subsection G. (Findings and decision), above, and to preserve the public health, safety, and general welfare.

I. Post approval procedures.

The procedures relating to appeals, changes, expiration, performance guarantees, and revocation that are identified in Article 5 (Administration), and those identified in Chapter 14.54 (Entitlement Implementation, Time Limits, and Extensions), shall apply following the decision on a Conditional Use Permit or Minor Conditional Use Permit application.

14.44.060 - Variances

A. Purpose.

The provisions of this Section allow for Variances from the development standards of this Development Code.

1. Special privileges prohibited.

- a. A Variance may only be granted when, because of special circumstances applicable to the property, including location, shape, size, surroundings, topography, or other conditions, the strict application of this Development Code denies the property privileges enjoyed by other property in the vicinity and under the identical zoning district. Furthermore, these same special circumstances create an unnecessary hardship, which is not the result of the actions of the applicant (or self-imposed by the property owner), or represent an unreasonable regulation which makes it obviously impractical to require compliance with the development standards.
- b. A Variance shall not be granted that would have the effect of granting a special privilege not shared by other property owners in the vicinity and under identical zoning districts, or which is contrary to the public convenience, health, interest, safety, or welfare.

2. Does not extend to uses.

- a. The power to grant Variances does not permit changes in allowable land uses, in compliance with State law (A.R.S. Section 9-462.06 H [1]).
- b. Flexibility in allowable land uses is provided in Section 14.44.050 (Conditional Use Permits).

B. Review authority.

Variances may be granted in compliance with the following:

1. Director.

The Director may grant a Minor Variance in compliance with Subsection C., below, or may defer action and refer the application to the BOA for formal action.

2. BOA.

The BOA may grant a Variance in compliance with Subsection D., below.

C. Allowable Minor Variances.

An application for a Minor Variance shall be considered by the Director governing only the development standards identified in Table 4-2, below.

Table 4-2
ALLOWABLE MINOR VARIANCES

Types of Minor Variances Allowed	Adjustment
1. Area requirements. A decrease in the minimum area requirements. (Not including minimum lot area requirements – see number 4., below.)	20 percent
2. Detached accessory structures. A decrease in the minimum required rear setback for a detached accessory structure.	10 percent
3. Fence or walls. The construction of fences, gates, pilasters, or walls in the side and rear yards which exceed six feet in height.	Up to a 1-foot increase
4. Lot area. A decrease in the minimum required lot area or size.	10 percent
5. Lot coverage. An increase in the maximum allowable lot coverage.	10 percent
6. Lot depth. A decrease in the minimum required lot depth.	10 percent
7. Lot dimensions. A decrease in the minimum required lot dimensions.	20 percent
8. Lot width. A decrease in the minimum required lot width.	10 percent
9. Open space. A decrease in the minimum open space requirements.	10 percent
10. Parking lot standards. A decrease in minimum parking lot and loading space dimensional standards (e.g., aisle, driveway, and space widths).	10 percent
11. Projections. An increase in the allowable projection of canopies, cornices, eaves, fireplaces, landings, masonry chimneys, overhangs, raised porches, stairways, and steps into a required setback areas, but no closer than 3 feet to any property line.	10 percent
12. Setback areas. A decrease in the required front, side, and rear setbacks.	10 percent
13. Other standards. The Director shall also be allowed to vary other standards including minor operational/performance standards relating to dust, glare, hours of operation, landscaping, light, noise, etc.	10 percent
14. Required Variance. A request which exceeds the limitations identified in this Subsection shall require the filing of a Variance application in compliance with Subsection D., below.	

D. Variances.

The BOA may grant an adjustment from the requirements of this Development Code governing only the following standards:

1. Development standards.

Any development standard identified in Subsection C. (Minor Variances), above where the requested adjustment exceeds the maximum limits for a Minor Variances;

2. Dimensional standards.

Dimensional standards including distance-separation requirements, fence and wall requirements, landscape and paving requirements, lighting, loading spaces, lot area, lot dimensions, parking areas, open space, setbacks, structure heights, etc.;

3. Numerical standards.

Number of off-street parking spaces, loading spaces, landscaping, etc;

4. Grading standards.

Maximum lot grading standards;

5. Signs.

Sign regulations (other than prohibited signs); and

6. Other.

Other standards including operational/performance standards relating to dust, glare, hours of operation, landscaping, light, noise, number of employees, etc.

E. Application requirements.

An application for a Variance shall be filed in compliance with Chapter 14.42 (Application Filing and Processing). The application shall be accompanied by the information identified in the Department handout for Variance applications. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection G. (Findings and decision), below.

F. Notice and hearings.**1. Minor Variances.**

An application for a Director's decision on a Minor Variance shall be noticed by posting the subject site and notifying immediately adjoining neighbors.

2. Variances.

- a. A public hearing shall be required for all Variances, which shall be considered by the BOA.
- b. A public hearing shall be scheduled once the Director has determined the application complete.
- c. Noticing of the public hearing shall be given in compliance with Chapter 14.58 (Public Hearings).

G. Findings and decision.

The applicable review authority shall record the decision in writing with the findings on which the decision is based. Following a public hearing, if required, the review authority may approve a Variance application, with or without conditions, only after first finding that:

1. There are special circumstances applicable to the subject property (e.g., location, shape, size, surroundings, topography, or other conditions), so that the strict application of this Development Code denies the property privileges enjoyed by other property in the vicinity and under the identical zoning district, or creates an unnecessary hardship, which is not the result of the actions of the applicant (or self-imposed by the property owner); and
2. Granting the Variance would:
 - a. Be consistent with the goals and policies of the General Plan and any applicable specific plan;
 - b. Not constitute a grant of special privileges inconsistent with the limitations on other properties in the vicinity and under the identical zoning district; and
 - c. Not be materially detrimental to the public convenience, health, interest, safety, or welfare of the City, or injurious to the property or improvements in the vicinity and zoning district in which the property is located.

H. Compliance with findings.

In approving a Variance (minor or major), the applicable review authority may impose conditions (e.g., buffers, landscaping and maintenance, lighting, off-site improvements, parking, performance guarantees, property maintenance, signs, surfacing, traffic circulation, etc.) deemed reasonable and necessary to:

1. **Comply with Section.**
Ensure compliance with the general purpose of this Section, and the goals and policies of the General Plan and any applicable specific plan;
2. **Prohibit special privileges.**
Ensure that the Variance does not grant special privileges inconsistent with the limitations on other properties in the vicinity and under the identical zoning district in which the property is located;
3. **Comply with findings.**
Ensure that the approval would be in compliance with the findings required by Subsection G. (Findings and decision), above; and
4. **Protect interests.**
Protect the best interests of the surrounding property or neighborhood, and to preserve the public health, safety, and general welfare.

Entitlement Approval or Disapproval

14.44

I. Post approval procedures.

The procedures relating to appeals, changes, expiration, performance guarantees, and revocation that are identified in Article 5 (Administration), and those identified in Chapter 14.54 (Entitlement Implementation, Time Limits, and Extensions), shall apply following the decision on a Variance application.

14.44.070 - Planned Unit Developments**A. Purpose, intent, and objectives.****1. Purpose.**

- a. A Planned Unit Development (referred to in this Section as a “PD”) is a development in which structures, land use, open space, transportation facilities, and utility systems are integrated through an overall unitary design on a single parcel of land.
- b. The total parcel (rather than a single lot) is the unit that is to be developed and to which City guidance is directed.
- c. City review is accomplished by combining conditional use, subdivision, and design review into a single process which is designed to provide a framework for the development of a more desirable urban environment through application of contemporary site planning techniques and architectural forms.
- d. The PD process is aimed at incorporating creativity and flexibility in site design which generally cannot be achieved through a strict adherence to zoning district and subdivision standards.

2. Intent.

The PD is intended to be used as a use overlay district with specified residential, commercial, and employment zoning districts for appropriate sites.

3. Objectives.

The PD district is intended to be used to achieve the following objectives:

- a. The encouragement of efficient use of land and resources that can result in savings to the community, consumers, and developers;
- b. The preservation of valuable landscape, terrain, and other environmental amenities;
- c. The provision of diversified, innovative living, working, or shopping environments that take into consideration community needs and activity patterns; and
- d. The achievement of maximum energy efficiency of land uses.

B. When planned development review is required.

Developments requiring design review in compliance with Section 14.44.030 (Design Review) on sites which are five or more contiguous acres in size under common ownership and control shall be processed as a PD in compliance with this Section.

C. Allowable PD categories.

The following PDs may be authorized in compliance with this Section:

1. Residential PDs together with a R-2, R-3, R-4, R-5, or RMH zoning district;
2. Commercial PDs together with a C-1, C-2, C-O, MU, or C-R zoning district; and
3. Employment PDs together with a M1-P or M-2 zoning district.

D. Procedural requirements.**1. Preapplication conference required.**

The applicant for PD approval shall schedule a preapplication conference with the Director in compliance with Section 14.42.040 (Application Preparation and Filing) for the purpose of reviewing procedural and review requirements necessary to carry out the applicant's intent.

2. Concept plan review.

Before applying for PD approval, an applicant may prepare a PD concept plan for review and determination by the Commission. The purpose of the concept plan review is to assist the applicant in refining the PD concept and to provide an early indication of the acceptability of a proposed development, thereby eliminating the time and expense of submitting an unacceptable full application.

a. Content of concept plan.

The concept plan shall contain the following information:

- (1) Enough of the surrounding area to demonstrate the relationship of the PD to adjoining existing and planned uses; existing topographic character of the site; existing and proposed land uses and their approximate location; the character and approximate lot coverage and density; circulation, including collector and arterial and pedestrian; public uses, including schools, parks, open spaces, etc; and
- (2) A written statement to accompany the outline development plan which contains the following information: an explanation of the character of the PD and the manner in which it has been planned to address the general PD objectives; a statement of present ownership of all land included within the proposed PD; a general indication of the expected schedule of development; a general indication of the expected public interest to be served by the proposed PD, and conformance of the PD to the General Plan; and general statement regarding conformance to the purpose of the category of PD proposed.

b. Commission's action.

The Commission shall informally review the PD concept plan and may act to grant approval, approval with recommended modifications, or disapproval.

3. Plan compliance review process.

The applicant shall meet the following procedural requirements:

a. Application for PD district approval.

- (1) The applicant shall submit an application for approval of a PD district and a general development plan.
- (2) With approval by the Director, an application for design review in compliance with Section 14.44.030 (Design Review) may also be reviewed at the same time.
- (3) The application for the PD shall be filed in compliance with Chapter 14.42 (Application Filing and Processing). The application shall be accompanied by the information identified in the Department handout for PD applications. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection E. (Required findings), below.
- (4) If the general development plan involves the subdivision of land, the proposal shall also include a preliminary subdivision plat and meet other requirements of the City's subdivision ordinance contained in Title 13.

b. Review authority's action.**(1) Commission's action.**

The Commission shall conduct a public hearing in compliance with Chapter 14.58 (Public Hearings) and take action to recommend approval, conditional approval, or disapproval of the PD district general development plan and, if applicable, the preliminary site plan with or without conditions, or recommend disapproval of the application in compliance with Subsection E. (Required findings), below. If the proposed site involves the subdivision of land, a preliminary plat in compliance with Title 13 shall also be reviewed at the same time.

(2) Council's action.

Upon receipt of the findings and recommendations of the Commission, the Council shall hold a public hearing in compliance with Chapter 14.58 (Public Hearings) after which they shall decide to approve the PD district and general development plan with or without conditions, or disapprove the application in compliance with Subsection E. (Required findings), below.

(3) Design review.

If design review approval was not granted along with PD district approval, the applicant shall submit an application for design review in compliance with

Section 14.44.030 (Design Review) for each remaining phase of the approved general development plan.

(4) Final subdivision plats.

If the proposal involves the subdivision of land, a final plat shall be prepared by the applicant and submitted to the Council for final approval in compliance with Title 13.

E. Required findings.

Following a public hearing, the review authority may approve, conditionally approve, or disapprove a PD application and shall record the decision and the findings upon which the decision is based. The review authority may approve the PD only after first finding that:

1. The proposed development is in substantial conformance with the General Plan;
2. The exceptions from the standards of the underlying district are warranted by the design and amenities incorporated into the development plan and program;
3. The proposal is in harmony with the surrounding area or its potential future use, and incorporates unified or internally compatible architectural treatment;
4. The system of ownership and the means of developing, preserving, and maintaining open spaces is suitable;
5. The approval will have a beneficial effect on the area which could not be achieved under the primary planning designation for the area;
6. The proposed development, or a unit thereof, can be substantially completed within three years from the date of approval;
7. Adequate public facilities and services are available or are proposed to be made available in the construction of the project; and
8. The general objectives of the PD district and the applicable objectives of the various categories of planned development have been met.

F. Provisions regarding timing and changes to approved plans.

1. Timing of development.

a. Phasing.

- (1) Any plan which requires more than twelve months to complete shall be constructed in phases substantially complete in themselves, and a phasing plan shall be submitted and approved as a part of the general development plan.
- (2) The Council may require that development be done in phases, if public facilities and services are not adequate to initially serve the entire development.

b. Failure to begin a PD.

If substantial construction or development has not taken place within three years from the original date of approval of the general development plan, the Council shall review the district at a public hearing to determine whether or not its continuation in whole or in part is in the public interest, and if found not to be, shall act to remove the PD district on the property. The Council, at the request of the applicant, may grant an extension of time, if justifiable.

2. Changes in approved plans.

Changes to approved plans may only be made in compliance with Section 14.54.050 (Changes to an Approved Project) and the following:

a. Major changes.

Major changes in the general development plan and program, after it has been adopted, shall be considered the same as a new application, and shall be made in compliance with this Section.

b. Minor changes.

Minor changes in the general development plan and program may be approved by the Commission; provided, the changes do not increase the densities, do not change boundaries, do not change any use, and do not change the location or amount of land devoted to a specific land use.

G. Residential PDs.

1. Purpose and intent.

- a. It is the purpose and intent of this Subsection to accommodate creative and imaginative planned residential development in residential districts, to achieve efficiency in the use of land, energy, and natural resources, and to facilitate the development of difficult parcels suitable for residential use by virtue of topography, natural landscape features, or its unique historical character of being an isolated problem area by being passed over and subsequently surrounded by development.
- b. A PD would permit those innovations in the technology of land development which are in the best interest of the City. In order to accomplish this intent, it is the purpose of these regulations:

- (1) To permit in a PD a variety of dwelling types, including single-family, two-family, and multi-family dwellings (e.g., garden apartments, highrises, and townhouses) up to the maximum density allowed in the General Plan designation area within which the PD is proposed;
- (2) To permit the flexible spacing of lots and structures in order to encourage:
 - (a) The separation of pedestrian and vehicular circulation;
 - (b) The conservation of natural amenities of the landscape;
 - (c) The provision of readily accessible open spaces;
 - (d) The creation of functional and interesting residential areas; and
 - (e) The provision of a necessary complement of community facilities.

2. Allowed uses.

The following uses may be allowed in a residential PD:

- a. Residential uses, including housing concepts which may include single-family attached dwellings, cluster units, duplexes, row houses, and multi-family dwellings;
- b. Related neighborhood commercial uses which are designed exclusively to serve the development of which they are a part, when approved as a part of the general development plan;
- c. All other uses allowed within the primary zoning district in which the PD is located. A conditional use allowed in the primary zoning district may be considered as a part of the PD upon payment of the required application fee in compliance with Section 14.44.050 (Conditional Use Permits).

3. Density.

a. Maximum number of dwelling units allowed.

- (1) In order to maintain the integrity of the General Plan and carry out the intent of this Development Code, the Council shall determine the maximum number of dwelling units allowed in each residential PD according to the quality and adequacy of site design approved in the general development plan within the following density ranges. Under no circumstances shall the number of dwelling units exceed the maximum density in the range in compliance with Table 4-3, below

**TABLE 4-3
MAXIMUM NUMBER OF DWELLING UNITS ALLOWED**

Zoning District	Dwelling Units per Acre
R-2	6 to 12
RMH	6 to 12
R-3	12 to 25
R-4	25 to 40
R-5	25 to 40
C-R	30 to 50

- (2) Net residential densities shall be utilized when determining residential densities. The formula for calculating net residential density shall be as follows:

$$D = \frac{du}{A-(c + i + s + a)}$$

Where:

D = Net residential density

du = Total number of dwelling units in project

A = Total site area (acres)

c = Total commercial land area, including churches (acres)

i = Total industrial land area (acres)

s = Reserved but undedicated school sites (acres)

a = Arterial rights-of-way previously dedicated (acres)

b. Density transfer.

In cases where the proposed residential PD site includes lands within the designated 100-year floodplain or planned public land uses, the City may authorize the transfer of the number of units that would otherwise be allowed on these lands, calculated according to the method described in Subparagraph 3. a., above, to the portion of the site not so designated in exchange for the dedication of the designated lands for public purpose, subject to the following limitations:

- (1) In no case shall density be transferred to a portion of the site which can be shown to be unable by reason of size or location to accommodate the additional density without causing undue adverse effects on the surrounding area and otherwise to be inconsistent with the purpose and intent of the PD; and
- (2) Public facilities and services shall be found to be adequate to accommodate development which includes the transferred density.

4. Development standards.**a. Relationship to standards of the underlying zoning district.**

In cases of conflict between standards of the underlying zoning district and the PD district, the standards of the PD district shall apply.

b. Minimum site area.

A residential PD district shall not be established on less than one acre of contiguous land unless a concept plan is first approved by the Commission in compliance with Subparagraph 14.44.070 D. 2. (Concept plan review), above. The Commission shall find that property of less than one acre is suitable as a residential PD district by virtue of its character, topography, or landscaping features or by virtue of its qualifying as an isolated problem area.

c. Site and structural standards.

Yard setback, type of dwelling unit, lot frontage and width and use restrictions contained in underlying zoning district standards may be waived or modified for the residential PD district; provided, the intent and objectives of the PD are complied with in the general development plan. Structure separation shall be maintained in compliance with the requirements of the adopted Building Code and good design principles.

d. Perimeter requirements.

If topographical or other barriers within the development do not provide reasonable privacy for existing uses adjacent to the development, the Council shall impose one or both of the following requirements:

- (1) Structures located on the perimeter of the development shall be set back in compliance with provisions of the underlying zoning district area within which the development is located; and/or

- (2) Structures located on the perimeter of the development shall be well screened in a manner approved by the Council.

e. Height regulations.

For sites of at least 10 acres in size, the maximum structure heights may exceed those in the underlying zoning district to the maximum heights indicated in Table 4-4, below; provided, they do not result in overall site area density exceeding that allowed by the underlying zoning district and the exceptions are specifically approved by the Council in the general development plan. Structure heights within 100 feet of a single-family residential zoning district shall be limited to the maximum height allowed in that district.

**TABLE 4-4
MAXIMUM HEIGHT ALLOWED**

Zoning District	Maximum Height Allowed in the Underlying Zoning District (feet)	Maximum Height Allowed if Approved as Part of a PD (feet)
R-2	15	40
R-3	15	40
R-4	30	60
R-5	30	60

f. Community design standards.

Standards relating to off-street parking and loading, access and egress, signs, and site design contained in Article 3 (Development and Operational Standards) shall be met in the PD district, except as may be modified and approved by the Council in the general development plan.

H. Nonresidential PDs.

1. Purpose and intent.

It is the purpose and intent of this Subsection to promote creative and imaginative commercial and employment development based on an approved general development plan which is designed to achieve compatibility between commercial and employment activities and the surrounding area; efficiency in the use of land, energy, and natural resources; and the construction of attractive and functional structures and landscaped sites.

2. Allowed uses.

Any commercial, employment, or related use allowed in the underlying zoning district in which the PD district is to be established may be allowed in a nonresidential PD. A conditional use allowed in the underlying zoning district may be considered as a part of the

PD upon payment of the required application fee in compliance with Section 14.44.050 (Conditional Use Permits).

3. Lot coverage.

a. Commercial PD.

Lot coverage shall not exceed 60 percent of the net acreage of the subject site. Where multi-family dwellings are to be provided the area devoted to landscaping and open space shall meet the minimum requirements of Chapter 14.32 (Landscaping Standards).

b. Employment PD.

Lot coverage shall not exceed 60 percent of the net acreage of the subject site.

c. Density transfer.

In cases where the proposed nonresidential PD site includes lands within the designated 100-year floodplain or planned for public use, the City may authorize the clustering of structures on the portion of the site not so designated resulting in a lot coverage exceeding 60 percent of the net buildable acreage of the site in exchange for the dedication of the designated lands for public open space or the development rights to the lands, subject to the following limitations:

- (1) In no case shall density be transferred to a portion of the site which can be shown to be unable by reason of size or location to accommodate the additional density without causing undue adverse affects on the surrounding area and otherwise to be inconsistent with the purpose and intent of the PD; and
- (2) Public facilities and services shall be found to be adequate to accommodate development which includes the transferred density.

4. Development standards.

a. Relationship to standards of the underlying zoning districts.

In cases of conflict between standards of the underlying zoning district and the PD district, the standards of the PD district shall apply.

b. Minimum site area.

(1) Commercial PD.

A commercial PD district shall not be established on less than two acres of contiguous land unless a concept plan is first approved by the Commission in compliance with Subparagraph 14.44.070 D. 2. (Concept plan review), above. The Commission shall find that property of less than two acres can be

developed consistent with the purpose and intent of the PD, and can otherwise meet all the standards of this Section.

(2) Employment PD.

The minimum site area for an employment planned development shall be five acres.

c. Site and structural standards.

Yard setback, lot frontage, lot coverage, width, use, and other standards contained in the underlying zoning district regulations may be waived and modified for PD districts; provided, the purpose, intent, and objectives of the PD are complied with in the general development plan as determined by the Council. Structure separation shall be maintained in compliance with the requirements of the adopted Building Code and good design principles.

d. Perimeter requirements.

If topographical or other barriers within the development do not provide reasonable privacy for existing uses adjacent to the development, the Council shall impose either of the following requirements or both:

- (1) Structures located on the perimeter of the development shall be set back in compliance with the provisions of the underlying zoning district within which the development is situated; and/or
- (2) Structures located on the perimeter of the development shall be well screened in a manner approved by the Council.

e. Height regulations.

The maximum height limits of this Subparagraph shall apply to sites of at least 10 acres in size, except there shall be no minimum acreage requirements for sites located in the M1P (Industrial Park) or M-2 (Heavy Manufacturing) zoning districts. Maximum structure heights may exceed those of the underlying zoning districts to the maximum heights indicated in Table 4-5, below; provided, they do not result in overall area densities exceeding that allowed by the underlying zoning district and the exceptions are specifically approved by the Council in the general development plan. Structure heights within 100 feet of a residential zoning district shall be limited to the maximum height allowed in the residential zoning district.

**TABLE 4-5
MAXIMUM HEIGHT ALLOWED**

Zoning District	Maximum Height Allowed in the Underlying Zoning District (feet)	Minimum Area Required for Maximum Height as Part of a PD (acres)	Maximum Height Allowed if Approved as Part of a PD (feet)
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C-O	25	10	70
C-1	25	10	60
C-2	25	10	60
C-R	30	10	90
MU	30	10	90
M1-P	30	None	50
M-2	50	None	60

f. Community design standards.

Standards relating to off-street parking and loading, access and egress, signs, and site design contained in Article 3 (Development and Operational Standards) shall be met in the PD district, except as may be modified and approved by the Council in the general development plan.

I. Community design standards and guidelines.

Site and architectural design shall be in compliance with the applicable provisions of Section 14.44.030 (Design Review).

14.44.080 - Specific Plans**A. Purpose.**

1. This Section provides a process for preparing, processing, reviewing, adopting, and amending specific plans in compliance with State law (A.R.S. Sections 9-461.08, et seq.), or as these Sections may be amended from time to time.
2. A specific plan is designed to provide for flexibility and encourage innovative use of land resources and development of a variety of housing and other development types.

B. Intent.

An adopted specific plan shall replace the base zoning district for the subject property, and the development standards identified in the specific plan shall take precedence over the general standards contained in this Development Code.

C. Applicability.**1. Review authority.**

An application for a specific plan shall be considered by the Commission and Council.

2. When required.

A specific plan shall be required when the subject site is over 40 acres in area, and may be required when the subject site is 40 acres or less in area when determined to be appropriate by the Director, or as required by the Growth Management Element of the General Plan.

D. Minimum project area.**1. 10 acres.**

The minimum project area for a specific plan shall be 10 acres.

2. Ownership.

The project area may be one parcel under single ownership or a combination of adjoining parcels subject to a unified planning concept with the full written concurrence of all applicable property owners.

E. Initiation and presubmittal requirements.

A specific plan may be initiated in the following manner:

1. Council.

By a Resolution of Intention adopted by the Council; or

2. Property owner(s).

By an application being filed by the owner(s) of property which would be the subject of the specific plan, or by an agent for the owner(s). If initiated by an applicant, the following shall first occur:

a. Preapplication conference required.

A preapplication conference with the Director is required before the filing of a specific plan application, in compliance with Subsection 14.42.040 A. (Preapplication review).

b. Specific plan concept plan required.

A preliminary sketch plan shall be presented to the Director during the preapplication conference.

- (1) The Director shall make a preliminary determination as to the conformance of the concept plan with the General Plan, determine whether a General Plan amendment is required, shall provide a preliminary list of issues that will likely be of concern during formal application review, suggest possible alternatives or modifications to the project, and identify any technical studies that may be necessary for completion of the review process when a formal specific plan application is filed.
- (2) Neither the preapplication review nor information and/or pertinent policies provided by the Director shall be construed as a recommendation for approval or disapproval of the application/project.

c. Public meeting(s) required.

- (1) Before the preparation or submittal of the specific plan application, the applicant shall hold at least one public meeting to identify potential community impacts and concerns relating to the proposed plan, in compliance with State law (A.R.S. Section 9-461.09 [Procedures for Adoption of Specific Plans and Regulations]), or as this Section may be amended from time to time.
- (2) Public notice of the meeting is required in compliance with Chapter 14.58 (Public Hearings).

d. Preparation and content.

If initiated by an applicant, the application for a specific plan shall be filed in compliance with Chapter 14.42 (Application Filing and Processing). The application shall be accompanied by the information identified in the Department handout for specific plan applications. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection I. (Findings and decision), below. Additionally, the applicant shall prepare a draft specific plan that includes detailed information in the form of text and diagram(s), organized in compliance with the following provisions:

- (1) The distribution, location, and extent of land uses proposed within the area covered by the specific plan, including open space areas;
- (2) The proposed distribution, extent, intensity, and location of major components of public and private circulation/transportation, drainage, energy, sewers, solid waste disposal, water, and other essential facilities proposed to be located within the specific plan area and needed to support the proposed land uses;
- (3) Standards, criteria, and guidelines by which development would proceed, and standards for the conservation, development, and utilization of natural resources, where applicable;
- (4) A program of implementation measures, including financing, regulations, programs, and public works projects, necessary to carry out the proposed land uses, infrastructure, and development and conservation standards and criteria;
- (5) A description, in sufficient detail, of the criteria and process for the amendment of the specific plan, which shall not be less restrictive than the minimum requirements identified in this Section for the original review and adoption of the specific plan;
- (6) A discussion of the relationship of the specific plan to the actions, goals, objectives, and policies of the General Plan; and
- (7) The specific plan shall contain additional information determined to be necessary by the Director based on the characteristics of the area to be covered by the plan, applicable goals and policies of the General Plan, or any other issue(s) determined by the Director to be significant.

e. Application filing, processing, and review.

If initiated by an applicant, the draft specific plan shall be filed with the Department, and shall be accompanied by the fee established by the City's Fee Resolution. If initiated by more than one property owner, or their respective agents, the written consent of all property owners of record within the proposed specific plan area shall be required at the time of application submittal. The draft plan shall be processed in the same manner as required for General Plans, in compliance with State law (A.R.S. Section 9-461.06 [Adoption and Amendment of General Plan; Expiration and Readoption]), and as follows:

(1) Director's evaluation.

- (a) After the filing of a draft specific plan, the Director shall review the draft plan to determine whether it conforms with the provisions of this Chapter.
- (b) If the draft plan is not in compliance, it shall be returned to the applicant with written specification(s) as to why it does not comply, and with suggested revisions to ensure compliance.
- (c) When a draft plan is returned by the applicant to the Department and the Director determines it is complete and in compliance with this Chapter, the plan shall be deemed to be accepted for processing, in compliance with Section 14.42.060 (Initial Application Review).

(2) Staff report.

A written staff report shall be prepared for the draft specific plan which shall include detailed recommendations for changes to the text and/or diagrams of the specific plan, as necessary to make it acceptable for adoption.

F. Commission and Council hearings required.

The Commission and Council shall conduct public hearings on the specific plan application in compliance with State law (A.R.S. Section 9-461.06) and Chapter 14.58 (Public Hearings).

G. Commission's action.

The Commission's action shall be included in a written recommendation to the Council on the proposed specific plan whether to approve, approve in modified form, or disapprove based upon the findings identified in Subsection I. (Findings and decision), below.

H. Council's action.

- 1. Upon receipt of the Commission's recommendation, the Council may approve, approve in modified form, or disapprove the proposed specific plan based upon the findings identified in Subsection I. (Findings and decision), below.
- 2. Any change(s) to the specific plan that were not considered by the Commission may be referred to the Commission for its recommendation.

3. Failure of the Commission to report within 60 days after the referral, or a longer period set by the Council, shall be deemed a recommendation for the approval of the change(s).

I. Findings and decision.

1. A specific plan may be approved, only if all of the following findings are made:
 - a. The proposed specific plan is consistent with the goals and policies of the General Plan;
 - b. The proposed specific plan would not be detrimental to the public interest, health, safety, convenience, or welfare of the City;
 - c. The subject property is physically suitable and adequate infrastructure exists for the requested zoning designation(s) and the anticipated land use development(s); and
 - d. The proposed specific plan ensures development of desirable character which would be harmonious with existing and proposed development in the surrounding neighborhood.
2. The specific plan shall be approved by ordinance of the Council, in compliance with State law (A.R.S. Section 9-461.09).

J. Implementation and amendments.

1. Consistency with specific plan.

After the adoption of a specific plan, a public works project, a tentative map or parcel map, for which a tentative map was not required, may be approved/adopted within an area covered by a specific plan only if it is first found consistent with the specific plan.

2. Implementation of specific plan.

The implementation process for reviewing and approving development projects located within an area covered by a specific plan shall be as identified in the adopted specific plan.

3. Amendments.

A specific plan may be amended through the criteria and process for amendment identified in the adopted specific plan, which shall be consistent with, and not less restrictive than, the minimum requirements identified in this Section for the original review and adoption of the specific plan.

4. Modifications.

- a. A development standard(s) identified in a specific plan may be modified by a recommendation of the Commission and formal action of the Council, conducted during a public hearing in compliance with Chapter 14.58 (Public Hearings).
- b. The Council may grant one or more modifications only if all of the following findings are made:
 - (1) The modification(s) is necessary to properly implement a physically and economically viable project; and
 - (2) The modification(s) would ensure compliance with the general purpose and intent of the specific plan.

14.44.090 - Abandonment of Easements**A. Purpose.**

The purpose of this Section is to provide procedures for the abandonment of excess public utility and drainage easements in order to protect the public health, safety, and general welfare of the City's residents by ensuring the availability of suitable utility service to subdivided lots within the City and by protecting existing public utility and drainage easements.

B. Definition of easements.

Public utility and drainage easements, which are dedicated in favor of the general public, are intended to serve as a grant of the right to use a strip of land for the installation and maintenance of utilities and drainage facilities as reserved and shown on a recorded plat.

C. Maintenance of easement.**1. Structures prohibited.**

Within public utility and drainage easements, no structure, planting, or other material shall be placed or allowed to remain which may damage or interfere with the installation or maintenance of utilities, or which may change the direction of flow of drainage channels in the easements, as determined by the City Engineer.

2. Maintenance required.

The easement area shall be maintained by the property owner, except for those improvements for which a public authority or utility company is responsible.

D. Abandonment procedure.**1. Preapplication conference required.**

A prospective applicant for an abandonment shall schedule a preapplication conference with the Director for the purpose of reviewing procedural and review requirements necessary to carry out the applicant's request for abandonment.

2. Application requirements.

An application for an abandonment shall be filed in compliance with Chapter 14.42 (Application Filing and Processing). The application shall be accompanied by the information identified in the Department handout for abandonment applications. It is the responsibility of the applicant to provide evidence in support of the findings required by Subparagraph E. 4. (Findings for abandonment), below.

3. All costs to be borne by applicant.

All costs associated with the abandonment shall be borne by the applicant.

4. State and agency review.

Upon acceptance of the application, the Director shall transmit the application materials to appropriate review agencies and staff departments.

5. Council approval required.

The Director shall transmit a copy of the application materials and a copy of the staff findings and recommendations to the Council, which shall act to approve, approve with modifications, or disapprove the application, in compliance with Subparagraph E. 4. (Findings for abandonment), below.

E. Conditions, findings, and decision.

In order for an easement to be abandoned, the following conditions and findings shall apply:

1. Guying requirements.

Where there is a 10-foot by 50-foot guying requirement on the public utility easement (PUE) for the specific purpose of guying a utility pole, abandonment of a 10-foot by 25-foot portion may be considered.

2. Relocation of easement.

In association with the combination of lots, consideration may be given to the relocation of an existing PUE to another location within the affected lots. However, it shall be noted that in many cases these PUEs cannot be relocated due to existing facilities or due to the location of the existing PUE being contiguous with other PUEs within the area.

3. Written approval required.

Written approval from all affected utility companies shall be necessary before the abandonment is approved.

4. Findings for abandonment.

Unless it is determined that the easement and utility services or drainage facilities can be properly relocated, the following findings shall be made before Council approval of a request to abandon. The easement shall not:

- a. Contain utility lines of any nature in that portion to be abandoned;
- b. Be used to convey street run-off waters to established wash facilities; and
- c. Be required for future systems expansion by any public or private utility.

F. Abandonment to be recorded.

The applicant shall be responsible for recording the abandonment in the Office of the County Recorder following Council approval.

ARTICLE 3

Development and Operational Standards

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Chapter 14.30 - General Development Standards

Sections:

- 14.30.010 - Purpose
- 14.30.020 - Access
- 14.30.030 - Architectural Design Standards
- 14.30.040 - Exterior Lighting
- 14.30.050 - Fences, Walls, and Hedges
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- 14.30.130 - Storage of Tools and Trash
- 14.30.140 - Trash and Recyclable Materials Storage
- 14.30.150 - Underground Utilities

14.30.010 - Purpose

The purpose of this Chapter is to provide uniform performance standards that are designed to minimize and mitigate the potential impacts of development within the City and promote compatibility with surrounding areas and land uses.

14.30.020 - Access

Every structure or use shall have frontage upon a public street or permanent means of access to a public street by way of a public or private easement or recorded reciprocal (mutual) access agreement, as determined by the Director. Driveways shall be developed in compliance with the standards contained in Section 14.36.060 (Access). Efforts shall be made to keep driveway lengths to a minimum.

14.30.030 - Architectural Design Standards

The following criteria shall be used to evaluate proposed projects subject to Zoning Clearance in compliance with Section 14.44.020 or subject to the requirements of other discretionary permits that may be required.

A. Site grading.

Exposed graded areas shall be restored with revegetation or inert ground covers.

B. Site utilities.

On-site utilities shall be located underground from the property line to the building or structure for all uses except single-and two-family dwelling units.

C. Screening.

Screen walls and the screening of on-site components (e.g., mechanical equipment, parking lots, satellite dishes, and trash bins) shall be constructed of a material compatible with the primary structure.

Mechanical equipment (e.g., air conditioning, heating, and ventilating equipment) shall be located within a structure or within a roof enclosure of compatible architectural design and color so as to be screened from a horizontal line of sight on all sides.

D. Building materials.

Materials used in constructing and finishing a structure shall be of permanent and superior quality and be compatible with the materials used in the structures in the immediate vicinity. The building design should avoid those materials that deteriorate, or that shine and create glare.

E. Building colors.

Exterior walls and roofs, retaining walls, and accessory structures shall be compatible with the predominant natural colors of the area.

F. Building design.

1. The overall design of the structure and its site shall not adversely affect the present or potential development of the nearby properties or the traffic pattern on abutting streets by virtue of the type of structure, its placement on the lot, or the location of parking and driveway access areas.
2. The building design shall integrate building functions (e.g., entryways, stairways, and mechanical areas) with building elements (e.g., tower, projecting wall, recess, canopy, angular orientation, and change in building material). The building design shall avoid large, unadorned facades and monotonous repetition of unrelated or inappropriate detail.

G. Building openings.

Window and door openings shall be protected, shaded, and articulated with roof overhangs, building projections or recesses, or other suitable means.

H. Roof top equipment.

Objects other than television or radio antennas and satellite dishes shall not be placed upon or above the roof of a structure, except and unless the units are architecturally concealed from view in compliance with Subsection C., above. All roof top equipment shall be painted a compatible color to blend with surrounding colors of roof and screening materials.

14.30.040 - Exterior Lighting**A. Exterior fixtures.**

Lighting fixtures shall be architecturally compatible with the character of the surrounding structure(s) and shall be energy efficient. Fixtures shall be appropriate in height, intensity, and scale to the use they are serving.

B. Shielding of light source and light spill.

Outdoor lighting fixtures shall provide shielding of the light source so that light rays emitted by the fixtures are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted. Light fixtures shall be located so that no light rays spill onto adjacent properties.

C. Mechanical or chemical processes.

Glare, heat, or light from mechanical or chemical processes, or from reflective materials used or stored on a site, shall be shielded or modified to prevent emission of glare or light beyond the property line.

D. Neon.

Neon lighting as building accent lighting may be approved in compliance with the following criteria:

1. Neon lighting may be used to accent architectural building elements (e.g., columns, towers, or building entryways), except that vertical bands may not be used along building corners.
2. Neon lighting shall be a minimum of six inches below the top of the parapet or roof eave line and shall not be on top of the parapet or above the eave or along roof hips and/or ridge lines.
3. Neon lighting shall only be used on building elevations facing residential zoning districts in cases where a public right-of-way of at least 70 feet in width buffers the residential district.
4. Neon lighting shall be kept in good repair at all times.
5. Neon lighting shall not be used with reflective backgrounds (e.g., mirrors, polished metals, or other similar materials) that result in the intensification of emitted light.
6. Neon lighting shall not be illuminated more than one hour prior to the start of business and shall be turned off no more than one hour after the close of business.

E. Prohibitions.

1. The operation of searchlights for advertising purposes is prohibited between midnight and sunrise, or as allowed through the approval of a Temporary Use Permit.
2. Outdoor public or private facilities that are normally expected to cease by midnight shall not be illuminated after midnight unless allowed by other provisions.
3. The illumination of outdoor signs which, by special design consideration, requires flood lighting projected above the horizontal plane is prohibited between midnight and sunrise.
4. Outdoor light fixtures shall not be mounted in excess of 20 feet above ground elevation, except for large area lighting as determined by the Director.
5. Directly illuminated building accent lighting consisting of strings of individual lamps or bulbs along building corners, roof edges, window openings, and other external architectural elements is prohibited, except holiday lighting during November and December and integrated architectural use of neon lighting in compliance with Section D., above.

F. Exclusions.

The following are excluded from the prohibitions identified above:

1. Private residential incandescent outdoor illumination of 25 watts or less.
2. Outdoor on-site or business advertising signs in which light is produced by glass tubing filled with neon, argon, and/or krypton.
3. Outdoor on-site or business advertising signs of the type constructed with translucent materials and wholly illuminated from within.

G. Safety.

Outdoor lighting deemed to be a hazard to life or limb by the Director, regardless of the date of installation, shall be immediately modified or eliminated to establish a safe condition.

14.30.050 - Fences, Walls, and Hedges

Fences, walls, and hedges are subject to the following height limitations.

A. Allowed height.

Fences and walls shall not exceed the following height limitations:

1. Front or street side yards.

The maximum height of fences or walls in front or street side yards shall be five feet. Corner lots may have front yard fences up to five feet high and street side yard fences up to six feet high in compliance with the sight distance provisions of Section 14.30.070.

2. Rear or interior side yards.

The maximum height of fences or walls in a required rear or interior side yard shall be six feet.

3. Retaining walls.

Fences and walls located at the top of a retaining wall shall not exceed a height of six feet within the side, street side, and rear yards, and five feet in the front yards.

B. Height measurement.

The height of a fence, wall, or hedge shall be measured from the adjoining ground surface inside the fence, wall, or hedge or from the top of the retaining wall. Pool enclosure fencing shall be measured from outside the fenced area.

14.30.060 - Grading Permits for One - and Two-family Dwellings**A. Permit and fees required.**

Grading or the placement of fill shall not occur on any lot until a Grading Permit has been obtained from the Director and the permit has been posted on the subject lot. This requirement is supplemental to and in addition to any requirements of the adopted Building Code. Building Permits shall not be issued prior to the issuance of a Grading Permit. Fees for Grading Permits shall be in compliance with the Council's Fee Resolution.

B. Application and topographic plan.**1. Topographic plan.**

Applications for Grading Permits shall include a plan prepared by an Arizona Land Surveyor showing the topography of the lot or parcel of land. The topographic plan shall show existing and proposed grades together with proposed average lot floor elevations. An exception to this requirement shall be made for one- and two-family dwellings not seeking an average lot grade above that established in Subsection C., below.

2. Elevations.

All elevations shall be referenced to an assumed base elevation of one hundred feet. Sea level datum may be used for other than one- and two-family dwelling projects. The base elevation shall be the elevation at the centerline of the street opposite the front lot corner which provides the highest street elevation. This benchmark shall be identified on the site

plan and shall also be identified on the street by paint or other means to facilitate excavating and inspections. The base elevation for a flag lot shall be determined by the average of the principal lot corners not including the driveway portion of the lot. Existing elevations shall be shown for centerline of the street opposite lot corner at the front and rear property corners; at each setback corner; and at all building pad corners. Changes in elevation with a difference in grade of five feet shall be indicated by contour lines with a contour interval not greater than two feet. Contour lines of less than two feet shall be shown when requested by the Director.

C. Height of building site on upward sloping lots.

1. On upward sloping lots the building site may not be higher than the average height of the lot excluding setbacks and easements. The average lot grade shall be calculated by adding the grade elevations at the intersection of the setback corners and dividing by the number of corners. The Director may establish higher elevations of up to two feet above the average lot grade. No import of fill material shall be allowed to achieve the desired grade height and the exception shall not be for the purpose of building a structure in excess of the maximum building height as allowed by the zoning district standards. Approval of the two-foot exception shall be requested prior to the final grading inspection on the appropriate form available in the Development Services Department. A pad certification by a registered Arizona land surveyor shall be submitted to the Building Department to verify the pad height.
2. If a building pad elevation higher than that provided for above is requested, the following criteria shall be used to determine the maximum allowable grade. Additionally, a topographic plan, containing the following information, prepared by an appropriately licensed Arizona registrant, shall be submitted to the Director:
 - a Topography
 - b Proposed and existing grades at the lot corners, setback corners, and proposed building pad corners.
 - c Proposed average lot floor elevations, building pad dimensions, and pad square footage.
 - d Cut and fill quantities
 - e Driveway location and dimensions
 - f Reference points of adjoining lots, and/or structures
 - g Method of slope retention

3. The following criteria shall be met or the increase in the grade height shall not be approved:
 - a. The adjusted lot grade shall be determined by balancing the on-site cut and fill so as to create a minimum allowable building pad of 7,000 square feet, or 5,000 square feet for lots of 12,000 square feet or less.
 - b. No import of fill material shall be allowed or be necessary for the creation of the minimum pad.
 - c. On-site materials shall be used to grade driveway access to the building pad.
 - d. All retained and non-retained slopes shall conform to the Grading and Excavations Chapter of the adopted Building Code.
4. If the applicant requests a building pad elevation in excess of that allowed by the above criteria, a request for a Variance (Section 14.44.060) from the provisions of this Section shall be submitted to the Board of Adjustment.
5. A registered Arizona land surveyor shall certify the final grade height.

D. Height of building site on downward sloping lots.

1. Lots with a major portion of the lot grade lying below the base elevation may be filled to accommodate a building pad area no more than one foot above the base elevation.
2. Fills shall be placed, watered, and compacted in layers not to exceed twelve-inch lifts, performed by a properly licensed testing laboratory or Arizona registered professional engineer, certifying a minimum of 90 percent of the maximum density as determined by the adopted Building Code standards or equivalent. A minimum of three locations shall be inspected for compliance. All grading operations shall be done in a dust free manner and shall comply with local, State, and Federal laws regarding dust reduction.

E. Excavation safety measures.

Grading plans that include slopes that exceed a 2-to-1 and depths that exceed three feet at any time during construction activity shall include on the grading plan specific measures to ensure that the excavations are protected from public encroachment. Measures shall be approved by the Building Official and may include:

1. Physical barriers, including berms, temporary fencing, or other suitable obstructions;
2. Warning lights, signs, or banners which will clearly indicate the danger to trespassers of all ages; and
3. Where possible, stable trench coverings.

F. Conformance to adopted Building Code.

All grading activities shall be in compliance with the applicable provisions of the adopted Building Code and this Chapter.

G. Watershed preservation.

Planned or average lot grades shall preserve the natural watershed.

H. Exploratory inspections.

In the event of grading without a permit or inspections, exploratory inspections shall be performed by an appropriate Arizona registered professional to ensure code compliance. Substandard grading shall be evaluated and a report prepared with recommendations for correction shall be submitted to the Building Official for review and approval. Once approved, corrective measures shall be performed under the direction of the engineer.

14.30.070 - Height Measurement

Structures shall meet the following standards relating to height.

A. Maximum height.

The height of structures shall not exceed the standard established by the applicable zoning district in Article 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards).

B. Height measurement.

Maximum height shall be measured as the vertical distance from approved grade to an imaginary plane located the allowed number of feet above and parallel to the average lot grade.

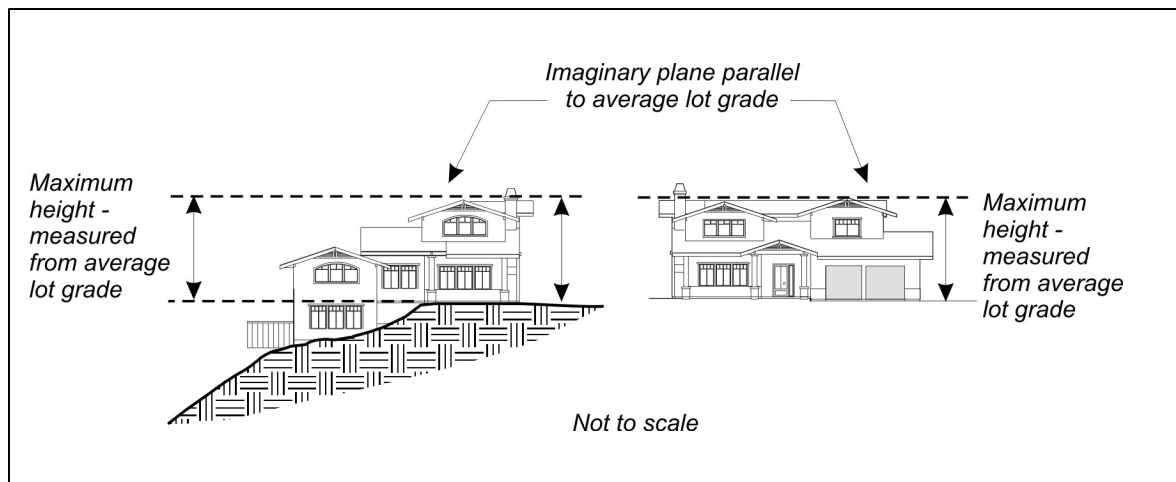


Figure 1 - Height Measurement

General Development Standards 14.30

14.30.080 - Noise *[Place Holder]*

14.30.090 - Pools and Spas

A swimming pool, spa, or other contained body of water, whether belowground, aboveground, permanent, or portable, that is 18 inches or more in depth at any point and is intended for human use, shall be protected as provided for in this Section.

A. Exemptions.

The following shall be exempt from this Section:

1. A system of sumps, irrigation canals, irrigation, flood control, or drainage works constructed or operated for the purpose of conveying, delivering, distributing, or storing water.
2. Livestock operations, livestock watering troughs, stock ponds, storage tanks, or other structures used in normal agricultural practices.
3. Public or semi-public swimming pools.

B. Enclosure.

1. Swimming pools, spas, or other contained bodies of water shall be entirely enclosed by at least a 5-foot high permanent fence, wall, wire fencing at least 11.5 gauge, or other barrier.
2. Enclosure height shall be measured on the exterior side of the wall, fence, or barrier.
3. Enclosures shall have no openings through which a spherical object four inches in diameter can pass.
4. The horizontal components of the enclosure shall be spaced not less than 45 inches apart, measured vertically or shall be placed on the pool side of the enclosure as long as the enclosure does not provide any opening greater than 1.75 inches measured horizontally.
5. Wire mesh or chain link enclosures shall be a maximum mesh size of 1.75 inches measured horizontally.
6. Enclosures shall be placed at least 20 inches from the water's edge.
7. Enclosure gates shall be self-closing, self-latching, and open outward from the pool. An unsecured latch shall be located at least 54 inches above grade if on the exterior of the enclosure. If on the pool side of the enclosure, the release mechanism shall be at least five inches below the top of the gate and no opening greater than 0.5 inches shall be within 24 inches of the release mechanism or be secured by a padlock or similar device that requires a key, electric opener, or integral combination which may have the latch located at any height.

8. Above ground spas less than eight feet wide may substitute an electronically or manually placed cover designed and intended for use with a spa in lieu of an enclosure. This cover shall meet the National Safety Council minimum specifications with a locking mechanism that is secured by a padlock or similar device that requires a key, electric opener, or integral combination.

C. Access from residence or living areas.

If a residence or other living structure constitutes a part of the required enclosure, allowing direct access from the residence or living area into the enclosure, one of the following methods shall be used to restrict access for safety purposes in lieu of the requirements of Subsection B., except as noted:

1. Between the swimming pool, spa, or other contained body of water and the residence or living structure, a wall, fence, or barrier a minimum of four feet in height shall be constructed in compliance with Subsection B., above.
2. Pools shall be protected by a motorized safety cover that meets the American Society of Testing and the Materials Emergency Standards 13-89 and that requires the operation of a key switch as the only manual operation necessary.
3. Spas shall be protected by a manually placed safety cover designed and intended for use with a spa.
4. Doors with direct access to a swimming pool, spa, or other contained body of water shall be equipped with a self-latching device that meets the requirements of Subparagraph B.7., above. Emergency escape or rescue windows from sleeping rooms with access to a swimming pool, spa, or other contained body of water shall be equipped with a latching device not less than 54 inches above the floor. All other openable windows with similar access shall be equipped with a screwed-in-place wire mesh screen, keyed lock that prevents the window from being opened more than four inches, or a latching device not less than 54 inches above the floor.
5. The swimming pool or spa shall be aboveground with nonclimbable exterior sides that are a minimum of four feet high. Any access ladder or steps shall be removable without tools and be secured in an inaccessible position with a latching device located not less than 54 inches above the ground when the pool is not in use.

D. Notice of responsibilities.

A person on entering into an agreement to build a swimming pool, spa, or other contained body of water, or to sell, rent, or lease a dwelling with a swimming pool, spa, or other contained body of water shall give the buyer, lessee, or renter a notice explaining safety education and responsibilities of pool ownership as approved by the Department of Health Services.

E. Approval of enclosures.

Applications for swimming pools, spas, or other contained bodies of water shall include detailed plans of the enclosure to be provided. The enclosures will be considered a part of the installation. A temporary fence or warning ribbon shall be installed around all inground pools, spas, or other contained bodies of water during construction. Pools, spas, or other contained

bodies of water shall not be filled with water until the enclosure is in place and approved by the building inspector.

F. Violations.

A person who violates this Section is guilty of criminal violation of this Development Code in compliance with Chapter 14.62 (Enforcement), except that no fine may be imposed if a sufficient showing is made that the person has subsequently equipped the swimming pool, spa, or contained body of water with an enclosure in compliance with this Section within 45 days of citation.

14.30.100 - Setback Measurement and Exceptions

This Section establishes standards to ensure the provision of open areas for access to and around structures, access to natural light and ventilation, landscaping, recreation, separation of incompatible land uses, space for privacy, traffic safety, and visibility.

A. Setback requirements.

1. Structures shall conform to the setback requirements identified for each zoning district by Article 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards), and with any special setbacks established for specific uses by this Development Code.
2. Each yard shall be open and unobstructed from the ground upward, except as provided in this Section.

B. Exemptions from setback requirements.

The minimum setback requirements shall apply to all uses except for the following:

1. Decks, with or without hand rails, free-standing solar devices, steps, terraces, and other site design elements that are placed directly upon the average lot grade and are less than 18 inches above the surrounding average lot grade.
2. Architectural features may extend into the front, side, and rear yard setbacks in the following manner:
 - a. A chimney or fireplace up to six feet in width may extend three feet into a required setback, but no closer than three feet to a side property line.
 - b. Cantilevered architectural features on the main structure, including awnings, balconies, bay windows, canopies, cornices, eaves, and solar devices that do not increase the floor area enclosed by the structure, may extend into required yards as follows:
 - (1) Front yard setback: Up to three feet into the required front yard.
 - (2) Side yard setback: Up to two feet into a required side yard, but no closer than three feet to a side property line.
 - (3) Rear yard setback: Up to three feet into the required rear yard.

C. Measurement of setbacks.

Setbacks shall be measured as follows:

1. The front yard setback shall be measured at right angles from the nearest point on the front property line to the nearest wall of the structure, except as follows:
 - a. The measurement shall be taken from the nearest point of the structure to the nearest point of the property line adjoining the street to which the property is addressed and the street from which access to the property is taken. Whenever a future street right-of-way line is officially established, the required setback shall be measured from the established line(s).
 - b. The measurement shall be taken from the nearest wall of the structure to the point where the access strip meets the bulk of the parcel, establishing a building line parallel to the lot line nearest the public street or right-of-way.
2. The side yard setback shall be measured at right angles from the nearest point on the side property line to the nearest wall of the structure, establishing a setback line parallel to the side property line that extends between the front and rear yards.
3. The side yard on the street side of a corner parcel shall be measured at right angles from the nearest point on the street side property line to the nearest wall of the structure.
4. The rear yard shall be measured at right angles from the nearest point on the rear property line to the nearest wall of the structure, establishing a setback line parallel to the rear property line that extends between the side yards.
5. In situations different from the above, the Director shall have the authority to determine how setbacks shall be measured.

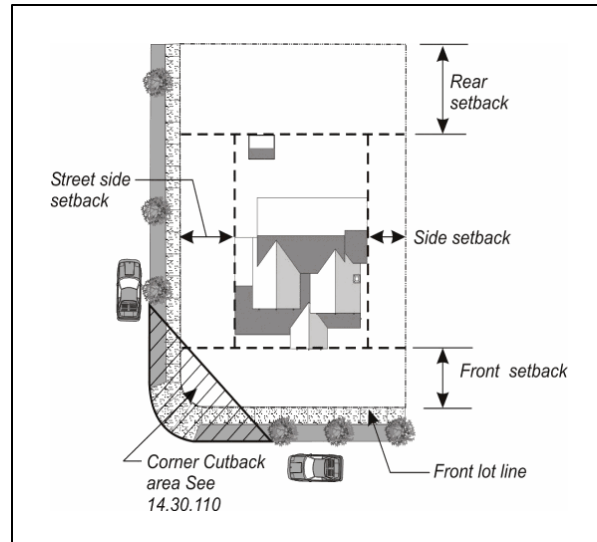


Figure 2 - Location & Measurement of Setbacks

14.30.110 - Sight Visibility

A. Corner cutback area.

Corner parcels shall be developed in a manner that ensures visibility across the corners of the intersecting streets, alleys, and private driveways. The corner cutback area shall be described as a triangular shaped area on a corner parcel formed by measuring 25 feet from the intersection of the front and street side property lines, or an intersecting alley or driveway, and connecting the lines diagonally across the property making a 90-degree triangle, as shown in the following diagram.

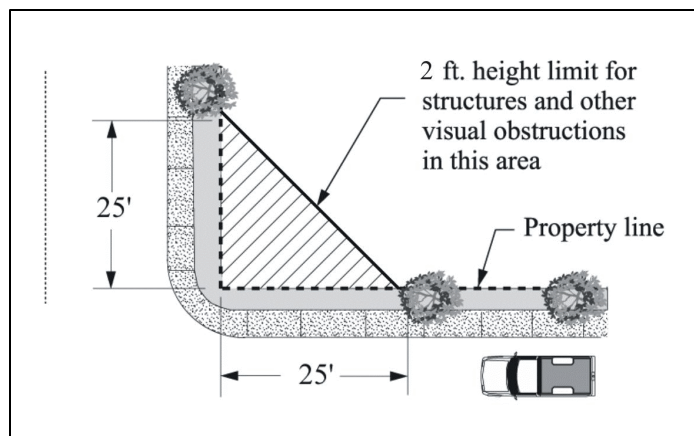


Figure 3 - Corner Cutback Area

B. Height of obstructions.

The maximum height of any object (e.g., fence, landscaping, signs, walls, etc.) located in the corner cutback area shall be two feet, measured from the adjoining top of curb. The two-foot height limit shall not apply to traffic safety devices, trees trimmed to eight feet above the adjacent top of curb, utility poles, and other government or utility installed devices.

14.30.120 - Storage of Materials

Building materials, contractors temporary offices, chemical toilets, and other equipment and associated vehicles may be located only on the lot for which a Building Permit has been issued during the construction period and shall be removed upon issuance of a Certificate of Occupancy.

14.30.130 - Storage of Tools and Trash

The storage of boats, boxes or bags, empty or filled containers, household effects, landscaping instruments, machinery or machinery parts, materials, tools, trailers, or other items that detract from the aesthetic value of the property shall be concealed from view from all public rights-of-way and adjoining properties.

14.30.140 - Trash and Recyclable Materials Storage**A. Provisions for trash required.**

Adequate, accessible, and convenient areas for collecting and loading trash/co-mingled solid waste/recyclable materials shall be provided.

B. Area to be shown on plans.

Trash/co-mingled solid waste/recyclable materials storage areas shall be included on a precise plan, precise plan amendment, or Conditional Use Permit plan. Design specifications shall include space allocation, location, design, and signs, if applicable.

C. Screening.

Trash/co-mingled solid waste/recyclable materials storage areas shall be screened from public view in compliance with current City standards.

D. Maintenance of trash facilities.

It shall be the responsibility of the property owner to ensure that the immediate surroundings and the floor of trash/co-mingled solid waste/recyclable material enclosures are kept clean and free of debris, that the enclosure gates have operable latches, that the enclosure gates remain closed, and that the container lids remain closed at all times except during periods of actual use.

E. Trash collection.

Trash to be collected may be placed at the street right-of-way line on the assigned collection day for a period not to exceed 12 hours.

14.30.150- Underground Utilities**A. Underground installation.****1. Undergrounding required.**

Utilities (e.g., cable television, electrical, telephone, and similar service wires or cables) that provide direct service to the development on the property shall be installed underground.

2. Developer/owner responsible.

The developer or owner shall be responsible for complying with the requirements of this Section and making the necessary arrangements with the utility companies for installation of the facilities.

3. Single- and Two- Family zoning districts exempt.

This requirement shall apply to all structures, except for structures constructed within the A-1, R-A, R-E, R-1, or R-2 zoning districts, or unless otherwise approved by the Commission or Council when approving a development project.

B. Above ground exceptions.

For the purpose of this Section, appurtenances and associated equipment (e.g., surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts in an underground system) may be placed aboveground. However, they shall not be placed in required front or side yard setbacks and shall be adequately screened so as not to be visible from the street.

14.30.170 - Unnatural Drainage

Under no circumstances shall any lot be altered to permit water from any source to flow from that lot to an adjoining lot other than what nature intended.

14.30.180 - Livestock, Poultry, and Pets

With the exception of R-A (Residential Agricultural) land use areas, no animals, livestock or poultry of any kind shall be raised, bred or kept on any lot; except that dogs, cats or other household pets may be kept, provided that they are not kept for commercial purposes, and in quantities which are not such as to create an annoyance or nuisance to the neighborhood.

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Chapter 14.32 - Landscaping Standards

Sections:

- 14.32.010 - Purpose
- 14.32.020 - Multi-family Residential Landscape Requirements
- 14.32.030 - Commercial and Industrial Landscape Requirements
- 14.32.040 - Landscaping Plan, Installation and Maintenance
- 14.32.050 - Landscaping and Buffering of Parking and Loading Areas

14.32.010 - Purpose

It is the purpose of this Chapter to establish landscape standards to mitigate the effects of urbanization on the environment and to provide for an aesthetically pleasing urban setting. The City recognizes the importance of landscaping to the health, well-being, and quality of life of the community and desires to enhance the overall appearance of development projects. It is also the intent of this Chapter to encourage optimum use of drought-tolerant plant materials in conjunction with water-conserving automatic irrigation systems.

14.32.020 - Multi-family Residential Landscape Requirements

A. Landscaped yards.

Yards visible from the public right-of-way shall be landscaped, except for drives, fences, parking areas, and walks.

B. Minimum area.

In multi-family residential zoning districts, a minimum of 20 percent of the site area shall be landscaped.

C. Perimeter screening and buffering.

A six foot sight-obscuring wooden fence, decorative masonry wall, or vegetative screen shall be required along a property line separating a single-family area or two-family area from a multi-family use. In addition, plantings and other landscaping features may be necessary to protect the privacy of residents and buffer the environmental effects of adjoining uses. The wall and any required landscaping shall be installed by the multi-family use.

D. Nonvegetative landscaping features.

Landscaped areas may include architectural features (e.g., benches, rock groupings, sculptures, walls/fences, or other inert ground covers and decorative paving). Artificial plants may be allowed at the discretion of the Director.

E. Bodies of water.

Outdoor bodies of water (e.g., fountains, streams, lakes, and displays using water) shall not be used in multi-family developments.

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F. Period for landscape installation.

Landscaping shall be installed prior to the issuance of a Certificate of Occupancy.

G. Water conservation and sustainability.

Water conservation measures shall be addressed through landscape and irrigation design. Sustainable landscapes are encouraged through actions that conserve, recycle, and reuse the resources that are invested in landscapes. The use of drought-tolerant landscape materials and low water flow irrigation systems is encouraged.

14.32.030 - Commercial and Industrial Landscape Requirements**A. Required landscaped areas.**

Areas not occupied by structures, paved roadways, walkways, or patios shall be landscaped and maintained in compliance with the approved site plan and landscape plan.

B. Minimum area.

In commercial and industrial zoning districts, a minimum of 10 percent of the site area shall be landscaped and shall include a landscape strip at least 10 feet wide adjacent to a right-of-way, except an alley.

C. Mix of plant materials.

Landscaped areas shall contain an appropriate mix of mature plant materials.

D. Bodies of water.

Outdoor bodies of water (e.g., fountains, streams, lakes, and displays using water) shall not be used in commercial or industrial developments.

E. Nonvegetative landscaping features.

Landscaped areas may include architectural features (e.g., benches, rock groupings, sculptures, walls/fences, or other inert ground covers and decorative paving). Artificial plants may be allowed at the discretion of the Director.

F. Perimeter screening and buffering.

A six foot sight-obscuring wooden fence, decorative masonry wall, or vegetative screen shall be required along a property line separating a residential area and a commercial or industrial use. In addition, plantings and other landscaping features may be necessary to protect the privacy of residents and buffer the environmental effects of adjoining uses.

G. Water conservation and sustainability.

Water conservation measures shall be addressed through landscape and irrigation design. Sustainable landscapes are encouraged through actions that conserve, recycle, and reuse the resources that are invested in landscapes. The use of drought-tolerant landscape materials and low water flow irrigation systems is encouraged.

H. Appropriate plant materials.

Plant materials shall be selected from the Lake Havasu City Water Conserving Plant List. Other materials may be used upon approval of the Director if found to have low water requirements.

I. Ground cover.

At least 50 percent of all landscaped areas containing trees and shrubs shall be underplanted with ground cover, with the remaining areas to incorporate a minimum two inch layer of inert ground cover.

J. Other materials.

Crushed rock, redwood chips, pebbles, and stones are not satisfactory substitutes for live plant materials, although their limited use may be approved by the Department. Artificial turf or plants are prohibited.

14.32.040 - Landscaping Plan, Installation, and Maintenance**A. Requirement for landscaping plan.**

Proposed development for which a final site plan is required shall submit a landscape plan that demonstrates compliance with the standards of this Section.

B. Content of landscape plans.

Landscape plans shall address the functional aspects of landscaping (e.g., grading, drainage, minimizing runoff, erosion prevention, wind barriers, provisions for shade, and reduction of glare). Landscaping plans are encouraged to demonstrate a concern for solar access, including exposure and shading of window areas.

C. Installation and performance bond.

Landscaping shall be installed prior to issuance of Certificate of Occupancy, unless security equal to 150 percent of the cost of landscaping is filed with the City, assuring installation within six months after occupancy. Security may consist of a faithful performance bond payable to the City, cash, certified check, or other assurance of completion approved by the City Attorney. If the installation of the landscaping is not completed within the six month period, the security may be used by the City to complete the installation.

D. Similar to approved plan.

Landscaping shall be continually maintained in a substantially similar manner as originally approved, unless altered with Director approval.

E. Maintenance.

Landscaping shall be maintained in an orderly and healthy condition. This shall include proper pruning, mowing of turf, weeding, removal of litter, fertilizing, replacement of plants when necessary, and application of appropriate quantities of water to all landscaped areas. Practices shall include performing routine irrigation system repair and adjustments, scheduling irrigation, using moisture-sensing or rain shut-off devices, conducting water audits, and prescribing the amount of water to be applied per landscaped area.

14.32.050 - Landscaping and Buffering of Parking and Loading Areas**A. Area required to be landscaped.**

A minimum of 10 percent of the area used for parking or display of vehicles shall be landscaped in compliance with this Chapter.

B. Required landscaping adjacent to public rights-of-way.

Off-street parking areas, loading areas, or vehicle use areas shall provide a landscape strip of at least 10 feet in width when adjacent to a right-of-way (except an alley). The required landscaping may include a combination of vegetative screens, earth berms, changes in grade, or masonry walls, which will form a permanent year-round buffer between the off-street parking, loading, or vehicle use area and the public right-of-way, except in required sight visibility areas.

C. Parking area interior landscaping.

Landscaped areas shall be distributed to break up large expanses of pavement, improve the appearance and climate of the site, improve safety, and delineate pedestrian walkways and traffic lanes. A required landscaped area shall be no less than 64 square feet and shall be placed at least every 15 parking stalls within a row.

CHAPTER 14.34 - NONCONFORMING USES, STRUCTURES, AND LOTS

Sections

- 14.34.010 - Purpose
- 14.34.020 - Definitions
- 14.34.030 - Restrictions on Nonconforming Uses and Structures
- 14.34.040 - Residential Unit Exemptions
- 14.34.050 - Loss of Nonconforming Status

14.34.010 - Purpose

Within the zoning districts established by this Development Code, there exist land uses, structures, and parcels that were lawful at the time they were established, constructed, or formed, but that are now prohibited, regulated, or restricted differently under the terms of this Development Code. This Chapter establishes uniform provisions for the regulation of these legal nonconforming land uses, structures, and parcels.

14.34.020 - Definitions

The following definitions apply to this Chapter:

- A. Nonconforming parcel.**
A parcel of record that was legally created before the adoption of this Development Code and that does not comply with the access, area, or width requirements of this Development Code for the zoning district in which it is located.
- B. Nonconforming structure.**
A structure that was legally constructed before the adoption of this Development Code and that does not conform to current Development Code provisions or standards (e.g., set backs, open space requirements) prescribed for the zoning district in which the structure is located.
- C. Nonconforming use.**
A use of a structure or parcel of land that was legally established and maintained before the adoption of this Development Code and that does not now conform to the current provisions governing allowable land uses for the zoning district in which the use is located.

14.34.030 - Restrictions on Nonconforming Uses and Structures

- A. Nonconforming uses of land.**
A nonconforming use of land may be continued, transferred, or sold; provided, the use shall not be enlarged or intensified, nor be extended to occupy a greater area than it lawfully occupied before becoming a nonconforming use.

B. Nonconforming structures.

A nonconforming structure may undergo normal/necessary maintenance and repairs; provided, no structural alterations are made.

14.34.040 - Residential Unit Exemptions

Nonconforming single-, two-, and multi-family residential dwelling units damaged or destroyed due to a catastrophic event may be reconstructed or replaced with a new structure(s) using the same development standards applied to the damaged or destroyed structure(s). The new construction shall comply with the current building and fire code requirements.

14.34.050 - Loss of Nonconforming Status**A. Termination by discontinuance.**

If a nonconforming use of land or a nonconforming use of a conforming structure is discontinued for a period of at least 180 consecutive days or a total of 12 non-consecutive months, rights to a legal nonconforming status shall terminate, regardless of the owner's intention to abandon.

B. Termination by destruction.

1. If a nonconforming structure or a conforming structure used for a nonconforming use is damaged or destroyed due to a catastrophic event and the cost of repairing or replacing the structure is greater than 50 percent of the current appraised value of the structure as shown on the County Assessor's records, or as established by a State licensed appraiser, the right to continue occupancy of the nonconforming structure or to continue the nonconforming use shall cease.
2. If the cost of repairing or replacing the structure does not exceed 50 percent of the current appraised value of the structure, as shown in the County Assessor's records or established by a State licensed appraiser, the structure may be restored and the use continued if the restoration is started within one year of the date of damage or destruction and is diligently pursued to completion.

Chapter 14.36 - Parking and Loading

Sections:

- 14.36.010 - Purpose and Applicability
- 14.36.020 - Residential Uses
- 14.36.030 - Commercial and Employment Uses
- 14.36.040 - General Provisions
- 14.36.050 - Minimum Dimensions for Parking Layouts
- 14.36.060 - Access
- 14.36.070 - Parking-In-Common Requirements
- 14.36.080 - Parking of Oversized Vehicles
- 14.36.090 - Loading

14.36.010 - Purpose and Applicability

A. Purpose.

It is the intention of the Chapter to provide adequate parking and loading facilities. It shall be unlawful for any person, firm, or corporation owning, leasing, or controlling a building, structure, or lot to fail, neglect, or refuse to provide and maintain adequate parking and loading facilities, as required by this Chapter.

B. Applicability.

1. Except as may otherwise be stated in this Chapter, the minimum parking and loading requirements and standards and design and layout requirements and standards apply to all parking and loading facilities in all zoning districts.
2. Whenever the use of property is changed to one required by this Chapter to provide a larger number of parking and loading spaces, or a use or structure is enlarged or increased in capacity by the addition of dwelling units, guest rooms, floor area, storage area, or seats, the minimum number of parking and loading spaces shall be provided in compliance with this Chapter.
3. Strict adherence to the parking and loading standards shall not be required for lots within commercial or industrial zoning districts that have the use of a parking-in-common area by binding legal agreement, contract, or a covenant running with the land, in compliance with Chapter 14.36.070 (Parking-In-Common Requirements), below.

14.36.020 - Residential Uses**A. Restrictions on location and size.****1. Parking spaces prohibited in front setback.**

Parking spaces required by this Chapter shall not be located within the front setback of a lot.

2. Driveway shall not occupy more than 50 percent of front setback.

Driveways and parking accessways shall not occupy more than 50 percent of the required front setback area.

3. Single- and two- Family zoning districts exempt.

The requirements of this Subsection shall not apply to structures constructed within the A-1, R-A, R-E, R-1, or R-2 zoning districts.

B. Standards.

1. Parking spaces shall be hard surfaced, located off-street, and have access from a public street.

2. Parking spaces shall be a minimum of 9 feet in width by 20 feet in length if uncovered and 10 feet by 20 feet if covered.

3. Recreational vehicle parking shall be a minimum of 12 feet in width by 40 feet in length.

4. For all residential uses, except within the single- and two-family zoning districts (e.g., A-1, R-A, R-E, R-1, or R-2), the parking area shall be designed in a manner so that backing a vehicle onto, into, or over a public right-of-way is not necessary.

C. Number of spaces required.

The number of parking spaces required shall be in compliance with Table 3-3, below.

14.36.030 - Commercial and Employment Uses**A. Standards.**

1. Parking spaces shall be hard surfaced, located off-street, and have access from a public street.
2. Parking spaces shall be a minimum of nine feet in width by 20 feet in length.
3. Recreational vehicle parking shall be a minimum of 12 feet in width by 40 feet in length.

B. Number of spaces required.

The number of parking spaces required shall be in compliance with Table 3-3, below. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking and loading shall be the sum of the requirements of the several uses computed separately unless a parking reduction is allowed in compliance with Subsection C., below.

C. Reduction of parking requirements for shared uses.

Where six or more nonresidential uses are developed as part of a unified commercial center, with a minimum of 100,000 square feet of gross building area, a maximum reduction of 15 percent from the required number of off-street parking spaces shall be allowed.

Where the request for reduction of off-street parking for shared uses is greater than 15 percent and the total building area within the commercial center is greater than 200,000 square feet, a parking study, prepared by a qualified traffic engineer, shall be provided. The parking study shall provide clear evidence in support of the requested parking space reduction to ensure that a sufficient amount of parking will be available to serve the patrons of the center.

TABLE 3-3
PARKING REQUIREMENTS BY LAND USE

<u>Land Use Type:</u> Manufacturing, Processing, and Warehousing	Vehicle Spaces Required
General manufacturing and processing (including recycling facilities)	2 spaces for each 1,000 sq.ft. of gross floor area, plus 1 space or equivalent area for each company owned vehicle. The gross floor area may include incidental office space of up to 20% of the total gross floor area. The parking requirements for additional office space shall be calculated separately as provided by this table for "Offices."
Indoor storage devoted exclusively to motor vehicles, boats, and similar water craft	1 space for each 10,000 sq.ft. of gross building area, with a minimum of 1 parking space.
Utility facilities without business offices and similar uses	1 space for each vehicle used in conjunction with the use, with a minimum of 2 spaces for each use.
Warehousing, wholesaling, and distribution	1 space for each 1,000 sq.ft. of gross floor area, plus 1 space or equivalent area for each company owned vehicle. The gross floor area may include incidental office space of up to 20% of the total gross floor area. The parking requirements for additional office space shall be calculated separately as provided by this table for "Offices."

TABLE 3-3
PARKING REQUIREMENTS BY LAND USE (CONTINUED)

Land Use Type: Recreation, Education, Public Assembly	Vehicle Spaces Required
Child/adult day care	1 space for each 10 persons cared for, plus one space for each vehicle used in conjunction with the use, plus one for each staff person, plus permanent drop-off area as approved by the Director.
Churches, other places of worship, and mortuaries	1 space for each 5 fixed seats and 28.5 spaces for each 1,000 sq.ft. of gross assembly area, classrooms, meeting rooms, etc.
Cinemas	1 space for each 3 seats
Golf courses	8 spaces for each hole; plus clubhouse spaces as required for restaurants, bars, indoor recreation/fitness centers, etc.
Golf driving range	2 spaces for each tee.
Indoor amusement/recreation/fitness centers	
Arcades and similar uses	5 spaces for each 1,000 sq.ft. of gross floor area
Bowling centers	5 spaces for each lane, plus required spaces for accessory uses.
Health/fitness clubs	6.5 spaces for each 1,000 sq.ft. of gross floor area.
Pool and billiard rooms	2 spaces for each table, plus required space for accessory uses.
Libraries, museums, art galleries	2 spaces for each 1,000 sq.ft. of gross floor area, plus 1 space for each official vehicle.
Outdoor recreation facilities	Determined by Conditional Use Permit

TABLE 3-3
PARKING REQUIREMENTS BY LAND USE (CONTINUED)

Land Use Type: Recreation, Education, Public Assembly (Continued)	Vehicle Spaces Required
Places of assembly, auditoriums, performance theaters, meeting halls, and membership organizations.	1 space for each 3 fixed seats, and 28.5 spaces for each 1,000 sq.ft. of gross assembly or viewing area, plus accessory uses (e.g. bar, restaurant).
Schools (public and private)	
Elementary/Junior High	3 spaces for each classroom, plus 5 spaces for each 1,000 sq.ft. of assembly area in an auditorium.
High School	3 spaces for each classroom, plus 1 space for each 3 students
Colleges, trade, and business schools	28.5 spaces for each 1,000 sq.ft. of gross classroom floor area.
Studios for dance and art	4 spaces for each 1,000 sq.ft. of gross floor area.
Tennis/racquetball/handball or other courts	2 spaces for each court, plus 3.3 spaces for each 1,000 sq.ft. of floor area for accessory uses.

TABLE 3-3
PARKING REQUIREMENTS BY LAND USE (CONTINUED)

<u>Land Use Type:</u> Residential Uses	Vehicle Spaces Required
Accessory dwelling units	1 space in addition to that required for the single-family unit.
Assisted living facilities	0.5 space for each unit, plus 1 space for each 4 units for guests and employees. At least 50 percent of the spaces shall be covered.
Two-family housing units	2 spaces for each unit with at least one space in a garage or carport.
Group quarters (e.g., boarding houses, dormitories, organizational houses, and rooming houses)	2 spaces for each guest room.
Mobile home parks	2 spaces for each mobile home, of which at least 1 space shall be covered (tandem parking allowed in an attached carport), plus one guest parking space for each 5 mobile homes. Storage yards for recreational vehicles, boats, and trailers shall be provided in the amount of 100 square feet per mobile home unit space. An eight foot high sight-obscuring fence with a locking gate shall be erected around the perimeter of the storage yard.
Multi-family dwelling, condominiums, and other attached dwellings.	Efficiency units - 1 space per unit. One bedroom - 1.5 spaces per unit. Two bedrooms or more - 2 spaces per unit. A minimum of one space shall be in a garage or carport. Guest parking shall be provided at the ratio of 1 space for each 5 required parking spaces. Spaces shall be dispersed evenly throughout the project and clearly marked for "Guest Parking Only." Ten percent of the required spaces, not including guest parking, shall be RV/boat parking spaces with a minimum of 12 feet by 40, or an area of at least 480 square feet, for each RV space.
Recreational vehicle parks	1 vehicle parking space for each RV site, plus 1 guest space for each 5 RV sites.
Residential care homes	1 space for each three beds, plus 1 space for each employee. At least 50 percent of the spaces shall be covered.
Senior housing projects	1 covered space for each unit, plus 1 space for each 10 units for guests.
Single-family housing	2 spaces per unit, of which at least 1 space shall be covered, plus 1 additional space for each unit with 5 or more bedrooms.

TABLE 3-3
PARKING REQUIREMENTS BY LAND USE (CONTINUED)

Land Use Type: Retail Trade	Vehicle Spaces Required
Automobile, boat, mobile home, machinery, recreational vehicle, and truck parts sales and service.	3 spaces for each service bay, plus 4 spaces for each 1,000 sq.ft. of gross floor area for accessory uses (e.g., offices, retail sales).
Banks and financial services	5 spaces for each 1,000 sq.ft. of gross floor area.
Building materials, hardware stores, and plant nurseries	3 spaces for each 1,000 sq.ft. of indoor display area, plus 1 space for each 1,000 sq.ft. of outdoor display area.
Convenience stores	4 spaces for each 1,000 sq.ft. of gross floor area.
Restaurants, cafes, cafeterias, nightclubs, taverns, lounges, or similar establishments for the consumption of food and beverages on the premises.	20 spaces for each 1,000 sq.ft. of gross floor area for patrons, plus 3 spaces for each 1,000 sq.ft. of service area, plus 10 spaces for each 1,000 sq.ft. of gross outdoor dining area.
Retail stores	
Appliance, furniture, and bulk goods stores, including warehouse retail	2 spaces for each 1,000 sq.ft. of gross floor area and 1 space for each company owned vehicle, plus 1 space for each 1,000 sq. ft. of outdoor display area.
General merchandise	4 spaces for each 1,000 sq.ft. of gross sales area, plus 1.6 spaces for each 1,000 sq.ft. of storage area, and 1 space for each company owned vehicle, plus 1 space for each 1,000 sq. ft. of outdoor display area.
Shopping centers and mixed use projects	Refer to Subsection 14.36.030.C (Reduction of Parking Requirements for Shared Uses).
Vehicle sales and rental (e.g., automobiles, boats, recreational vehicles, trucks, heavy equipment, etc.)	4 spaces for each 1,000 sq.ft of indoor sales or office area, plus two spaces for the first 10,000 sq.ft. of outdoor sales area and one space for each additional 10,000 sq.ft., plus 3 spaces for each service bay.

TABLE 3-3
PARKING REQUIREMENTS BY LAND USE (CONTINUED)

Land Use Type: Service Uses	Vehicle Spaces Required
Consumer products - repair and maintenance	4 spaces for each 1,000 sq.ft. of gross floor area
Copy and reproduction centers	4 spaces for each 1,000 sq.ft. of gross floor area.
Equipment rental	3 spaces for each 1,000 sq.ft. of gross floor area, plus 1 space for each 1,000 sq.ft. of outdoor use area.
Hotels and motels	1 space for each guest room without a kitchen and 1.5 spaces for each guest room with a kitchen, plus 2 spaces for the resident manager, one space for each 5 guest rooms for employees, and any spaces required for accessory uses. 10 percent of the guest spaces shall be for RV parking measuring at least 12 feet by 40 feet for each space.
Kennels, animal boarding, and pet grooming	2 spaces for each 1,000 sq.ft. of gross floor area, plus 1 space for each 1,000 sq.ft. of boarding area.
Laboratories and research facilities	3 spaces for each 1,000 sq.ft. of gross floor area.
Laundromats and dry cleaning pick-up facilities.	4 spaces for each 1,000 sq.ft. of gross floor area.
Medical services	
Clinics, medical/dental offices	5 spaces for each 1,000 sq.ft. of gross floor area.
Extended care (elderly, skilled nursing facilities and residential care homes)	1 space for each 3 beds the facility is licensed to accommodate
Hospitals	2 spaces for each patient bed the facility is licensed to accommodate, plus spaces for outpatient clinic and other accessory uses.
Medical/dental labs	3 spaces for each 1,000 sq.ft. of gross floor area.
Offices, administrative, corporate	4 spaces for each 1,000 sq.ft. of gross floor area.

TABLE 3-3
PARKING REQUIREMENTS BY LAND USE (CONTINUED)

<u>Land Use Type:</u> Service Uses	Vehicle Spaces Required
Personal services (Barber/beauty/nail shops and similar personal services)	4 spaces for each 1,000 sq.ft. of gross floor area.
Service stations	4 spaces for each 1,000 sq.ft. of gross floor area; plus 3 spaces for each service bay.
Storage, personal storage facilities	4 spaces for the office
Vehicle (e.g., automobiles, boats, recreational vehicles, trucks, etc.) repair and maintenance	
Repair garage	3 spaces for each service bay, plus adequate queuing lanes for each bay, plus 1 space for each bay for employees.
Self-service vehicle washing	2.5 spaces for each washing stall, for queuing and drying.
Full-service vehicle washing	10 spaces, plus 10 spaces for each wash lane for drying area, plus queuing area for 5 vehicles ahead of each lane exclusive of fueling areas.
Veterinary clinics and hospitals	4 spaces for each 1,000 sq.ft. of gross floor area, plus 1 space for each 1,000 sq.ft. of boarding area.

14.36.040 - General Parking Requirements

A. Computation.

When a fractional remainder occurs in computations used to determine the number of required off-street parking spaces, the fraction shall be rounded up to the nearest whole number if it is greater than or equal to one-half.

B. Joint use of parking.

Owners of two or more uses, structures, or parcels of land may agree to jointly utilize the same parking and loading facilities when the hours of operation do not overlap; provided, that satisfactory legal evidence is presented to the Director in the form of deeds, leases, and contracts in order to establish the joint use. Copies of these instruments shall be placed on permanent file with the City Clerk and filed with the County Recorder.

C. Joint access.

Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same ingress and egress when the combined ingress and egress of both uses, structures, or parcels of land satisfies the requirements as designated in this Chapter; provided, that satisfactory legal evidence is presented to the City Attorney in the form of deeds, easements, leases, or contracts to establish joint use. Copies of these instruments shall be placed on permanent file with the City Clerk and filed with the County Recorder.

D. Multiple use of structures or lots.

In the event several uses occupy a single structure or lot, the total requirements for off-street parking and loading shall be the sum of the requirement of the uses as computed separately.

E. Use of required parking and loading areas.

Required parking spaces, loading, and maneuvering areas shall be available for the parking, loading, and maneuvering of operable motor vehicles of residents, customers, patrons, and employees only, and shall not be used for the storage or sale of vehicles or other materials, and shall not be rented, leased, or assigned to any other person or organization not using or being directly served by the use.

F. Surfacing and marking of parking and loading areas.

1. Areas used for the parking and/or maneuvering of any vehicle, boat, and/or trailer shall be improved with asphalt or concrete surfaces sufficient to accommodate their intended use.
2. An area intended to be used to meet the off-street parking requirements as contained in this Chapter shall provide parking spaces that are clearly marked using a traffic paint. Interior drives and access aisles shall be clearly marked and signed to show direction of flow and to maintain vehicular and pedestrian safety.

G. Drainage of parking and loading areas.

Required parking and loading areas shall be provided with drainage facilities that channel runoff to approved off-site drainage facilities as approved by the City Engineer.

H. Maintenance of parking and loading areas.

Parking and loading areas shall be kept clean and in good repair at all times. Breaks in paved surfaces shall be repaired promptly, and broken or splintered wheel stops shall be replaced so that their function will not be impaired. Painted parking space boundaries, handicap designations, and directional symbols shall be maintained so as to be easily distinguishable.

I. Parking and loading plan.

A plan drawn to scale and indicating how the off-street parking and loading requirements are to be fulfilled shall accompany the request for a Building Permit or Design Review. The plan shall show all those elements necessary to indicate that these requirements are being fulfilled and at a minimum shall delineate the following:

1. Individual parking and loading spaces and their dimensions.
2. Circulation area necessary to serve spaces.
3. Access to streets, alleys, and properties to be served.
4. Location and dimension of curb cuts.

5. Location and dimensions of landscaping, including the type and size of plant material to be used, and any other non-living landscape material.
6. Grading and drainage (except for single-family and two-family residential projects).
7. Specifications of signs and bumper guards (except for single-family and two-family residential projects).

14.36.050 - Minimum Dimensions for Parking Layouts

Dimensions of parking spaces and aisles shall be in compliance with Figure 4.

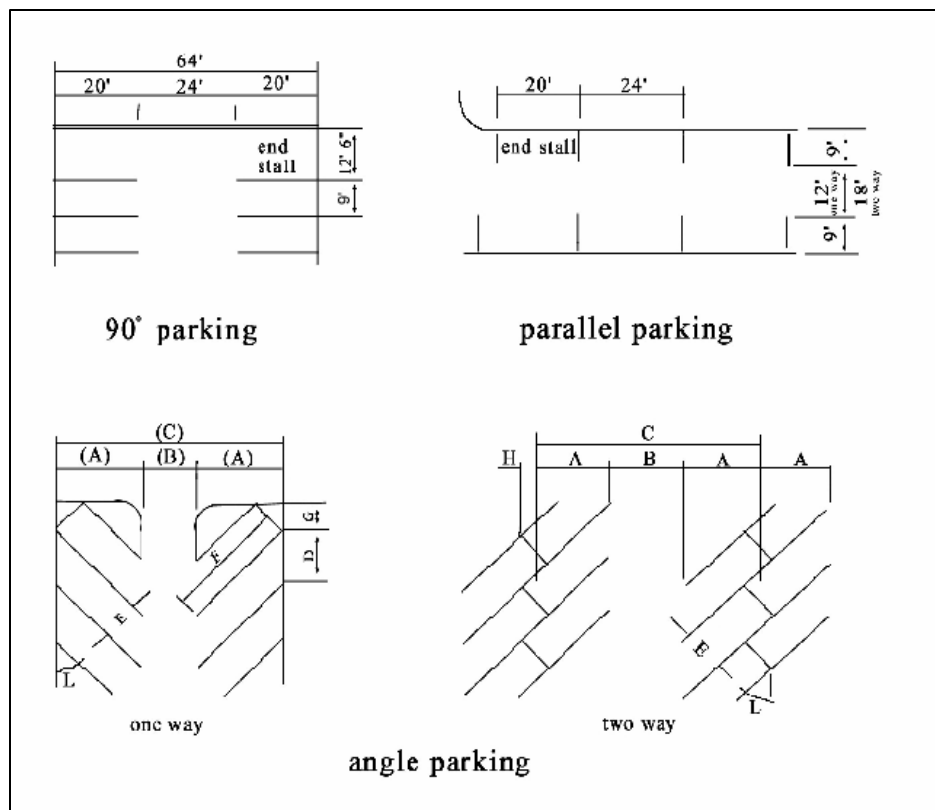


Figure 4 - Parking Space and Aisle Dimensions

PARKING DESIGN STANDARDS

	One Way			Two Way							
L	(A)	(B)	(C)	A	B	C	D	E	F	G	H
Angle of Parking	Depth of Stall	Aisle Width	Width of Area	Depth of Stall	Aisle Width	Width of Area	Curb Length	Width of Stall	Length of Stripe		Depth of Overhang
30"	17'10"	12' 0"	47' 8"	13' 11"	18' 0"	45' 10"	17' 4"	9' 0"	35' 0"	4' 6"	3' 11"
45'	20' 6"	13' 0"	54' 0"	17' 4"	18' 0"	52' 8"	12' 9"	9' 0"	29' 0"	6' 4"	3' 2"
60'	21' 10"	18' 0"	61' 8"	19' 7"	18' 0"	57' 2"	10' 5"	9' 0"	25' 2"	7' 9"	2' 3"

14.36.060 - Access**A. Connection to a public street.**

1. Ingress and egress to a use or lot shall connect directly with a public right-of-way (excluding alleys) approved and accepted by the City for public use (except where joint access is provided).
2. Required private sidewalks shall extend from the ground floor entrance or the ground floor landing of stairs, ramps, or elevators to the public sidewalk or curb of the public street that provides the required ingress and egress.

B. Access to major roadway.

Points of ingress or egress to and from Highway 95 and arterials designated on the Transportation Network Plan Map shall be limited as follows:

1. Single-family uses shall not be granted permanent driveway ingress to or egress from Highway 95 or designated arterials unless it is found that no other public street access is or can be made available. If alternative public access is not available at the time of development, provisions shall be made for temporary access that shall be discontinued upon the availability of alternative public access.
2. Direct private ingress to or egress from Highway 95 and designated arterials shall be minimized. Where alternatives to the use of Highway 95 or designated arterials exist, new or altered uses shall be required to use the alternative ingress and egress. The Commission may take action to restrict or prohibit an expanded use of existing private ingress to or egress from Highway 95 and designated arterials if it finds that the expanded use is contrary to the purposes of the transportation element of the comprehensive plan.

C. Maintenance of required improvements.

Required ingress, egress, and circulation improvements shall be kept clean and in good repair.

D. Minimum standards for residential uses.

The following minimum standards apply for on-site access for residential uses:

1. Single-family uses.

a. Driveways.

A minimum of one driveway with a minimum width of 10 feet and minimum length of 20 feet. The full length of the driveway shall be hard surfaced.

b. Sidewalks and curbs.

Sidewalks or curbs are not required, except that when private streets are proposed, they shall be required to meet improvement standards as approved by the Council.

2. Two-family uses.

a. Driveways.

Either one driveway fully improved with hard surface pavement with a minimum width of 20 feet or two driveways fully improved with a minimum width of 10 feet each.

b. Sidewalks and curbs.

Sidewalks or curbs are not required, except that when private streets are proposed, they shall be required to meet improvement standards as approved by the Council.

3. Multi-family uses.

a. Driveways.

A minimum of one driveway fully improved with hard surface pavement with a minimum width of 12 feet for one-way access and a minimum width of 18 feet for two-way access.

b. Sidewalks and curbs.

Each residential dwelling unit shall be connected to vehicular parking stalls, common open space, and recreation facilities through a pedestrian pathway system having a minimum width of three feet and constructed of an all-weather material.

E. Minimum standards for nonresidential uses.

A minimum of one driveway fully improved with hard surface pavement with a minimum width of 15 feet for one-way access and a minimum width of 24 feet for two-way access shall be provided.

14.36.070 - Parking-In-Common Requirements**A. Intent and purpose.**

1. It is the intent of this Section to:
 - a. Provide adequate parking and loading facilities; and
 - b. Recognize parking-in-common as designated by the original developer in the master planning of Lake Havasu City as an appropriate means of providing parking and loading facilities.
2. It is the purpose of this Section to recognize that parking-in-common represents a shift from the traditional regulation of parking from a legislative zoning based approach to a self-reliant private market driven approach.
 - a. Parking-in-common suggests that solutions to present and future parking problems be addressed by a cooperative effort of affected property owners taking actions to create solutions to their own benefit and reducing reliance on government intervention or participation.
 - b. It shall be unlawful for any corporation, firm, or person(s) owning, leasing, or controlling a structure or lot to fail, neglect, or refuse to provide and maintain adequate parking and loading facilities in compliance with this Chapter.

B. Applicability of parking-in-common.

1. Compliance with the parking and loading standards of this Chapter shall not be required for lots within commercial or industrial zoning districts which meet each of the following conditions:
 - a. The lots have the use of a parking-in-common area by binding legal agreement, contract, or a covenant running with the land as prescribed by the recorded covenants, conditions, and reservations and as described on the official recorded subdivision plat; and
 - b. A parking plan has been approved by the Commission for the parking-in-common area. The plan shall include a master parking design and layout element, access management element, drainage element, grading element, and landscape element.
2. All site plans for development on lots subject to approved parking-in-common plans shall conform to the parking plans, and parking-in-common areas on lots shall be fully improved in compliance with the approved parking plan before the granting of a Certificate of Occupancy for the subject use.

3. The Commission shall have the authority to make a determination of the appropriateness of the application of this Section to lots which do not have original deed restrictions or recorded official subdivision map creating parking-in-common.
 - a. The lots shall function as parking-in-common as evidenced by their lot width to depth ratio, location of existing structures, proximity to parking-in-common lots, and existing shared parking elements.
 - b. Included are lots within the parking-in-common tract that have had the parking-in-common restrictions removed.

C. Setbacks.

New development located in the C-N, C-1, or C-2 zoning districts that is subject to parking-in-common covenants, conditions, and restrictions governing the reservation and design of parking-in-common areas shall maintain structure setbacks corresponding to the parking-in-common setback for the tract, except as may otherwise be authorized by this Section, or as may be amended as prescribed by this Development Code.

14.36.080 - Parking of Oversized Vehicles

The provisions in this Section shall apply to the RMH, RE, R-1, R-2, R-3, R-4, and R-5 zoning districts:

A. Oversized vehicles.

No person shall park or permit to be parked on any RMH, RE, R-1, R-2, R-3, R-4, or R-5 zoned lot any vehicle with a rated chassis capacity in excess of two tons, a gross vehicle weight in excess of 10,500 pounds, or any vehicle with more than two axles, except for the purpose of loading or unloading of goods.

B. Recreational vehicles.

Recreational vehicles exceeding the weight limit, including motor homes, RV trailers, RV pickups, boats, and utility trailers which are owned by the lot owner or the lessee of the lot, may be allowed. However, vehicles owned by a licensee of the owner or lessee may be allowed for a period of not to exceed 30 consecutive days.

14.36.090 - Loading**A. Required loading area.**

The minimum area required for commercial, industrial, hotel, institutional, and public loading spaces shall be as required by Table 3-4:

**TABLE 3-4
MINIMUM OFF-STREET LOADING AREA REQUIREMENTS**

Required Loading Area Size	Building Size
250 square feet	5,000 to 20,000 square feet of gross floor area
500 square feet	20,000 to 50,000 square feet of gross floor area
750 square feet	Greater than 50,000 square feet of gross floor area

B. Dimensions of loading spaces.

The required loading area shall not be less than 10 feet in width by 25 feet in length and shall have an unobstructed height of 14 feet.

Parking and Loading	14.36
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Chapter 14.38 - Signs

Sections:

- 14.38.010 - Purpose
- 14.38.020 – Sign Permit Review
- 14.38.030 - Exemptions From Sign Permits
- 14.38.040 - Prohibited Signs
- 14.38.050 - Nonconforming Signs
- 14.38.060 - Sign Maintenance
- 14.38.070 - Signs Allowed in Nonresidential Zoning Districts
- 14.38.080 - Signs Allowed in Residential Zoning Districts
- 14.38.090 - Signs Allowed in Mobile Home Parks
- 14.38.100 - Political and Campaign Signs

14.38.010 - Purpose

This Chapter regulates the use of signs and billboards in the City in order to protect its aesthetic environment, provide standards for communication by means of outdoor graphics, and safeguard the health and safety of its residents.

14.38.020 - Sign Permit Review

A. Permit required.

To ensure compliance with the regulations of this Chapter, a Sign Permit shall be required to erect, construct, enlarge, move, alter, or reconstruct a sign except for signs that are exempt from permits in compliance with Section 14.38.030. Sign Permits are subject to the review provisions of Chapter 14.42 (Application Filing and Processing).

B. Application form and fee.

An application for a Sign Permit shall be made to the City upon a form provided by the Director and shall be accompanied by the fee in compliance with the Council's Fee Resolution.

14.38.030 - Exemptions From Sign Permits

Sign Permits shall not be required for the signs listed in this Section. Exempt signs shall not be included in the determination of the total allowable number of signs or total allowable sign area for a site.

A. Construction signs.

Except for signs required by the state Registrar of Contractors, one construction sign is allowed per construction site, not exceeding 32 square feet in sign area. Signs at construction sites shall be erected no more than 30 days prior to the beginning of construction for which a valid Building

Signs

14.38

Permit has been issued, shall be confined to the construction site, and shall be removed 30 days after completion of construction and prior to occupancy.

B. Directional or instructional signs.

Signs that provide direction or instruction, are located entirely on the property to which they pertain, do not in any way advertise a business, and do not exceed four square feet in area (e.g., signs identifying restrooms, public telephones, walkways, parking lot entrances and exits, etc.).

C. Flags.

The flags, emblems, or insignia of a nation, political subdivision, or corporation.

D. Governmental signs.

Governmental signs for control of traffic and other regulatory purposes, street signs, danger signs, railroad crossing signs, signs of public service companies indicating danger, and aids to service or safety that are erected by or on the order of a public officer in the performance of his or her public duty.

E. House numbers and name plates.

House numbers and name plates not exceeding two square feet in area for each residential building.

F. Interior signs.

Signs that are located within the interior of a building, stadium, or within an enclosed lobby, court, mall, or entrance of a theater and that are not visible from the public right-of-way. This does not exempt signs from the structural, electrical, or material specifications as identified in any applicable codes of Mohave County or the State of Arizona.

G. Memorial signs.

Memorial signs or tablets, names of buildings, and dates of erection, when cut into a masonry surface or inlaid so as to be part of the building or when constructed of bronze or other incombustible material.

H. Notice bulletin boards.

Notice bulletin boards not over 24 square feet in area for medical, public, charitable, or religious institutions when located on the premises.

I. No-trespassing or no-dumping signs.

No-trespassing or no-dumping signs not to exceed one and one-half square feet in area per sign and not to exceed four in number per parcel, except that special permission may be obtained from the Director for additional signs under proven special circumstances.

J. Occupant signs.

One sign for each dwelling unit, not to exceed one square foot in area, indicating the name of the occupant, location, or identification of the occupant's profession.

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K. Permanent window signs.

Except in residential zones, window signs may be painted or otherwise displayed on up to 50 percent of the total window area on windows of the parcel frontage or tenant space main entrance.

L. Plaques.

Plaques or name plate signs not more than two and one-half square feet in area that are fastened directly to the building.

M. Public notices.

Official notices posted by public officers or employees in the performance of their duties.

N. Public signs.

Signs required or specifically authorized for public purposes by law, statute, or ordinance, which may be of any type, number, area, height above grade, location, illumination, or animation required by the law, statute, or ordinance.

O. Real estate signs.

One real estate sign on a parcel; provided, the sign is located entirely within the property to which the sign applies, is not directly illuminated, does not exceed six square feet in area within residential zoning districts and 16 square feet in area within nonresidential zoning districts, and is removed within seven days after the sale, rental, or lease of the property.

P. Signs in display windows.

Signs in a display window of a business use that are incorporated with a display of merchandise or a display relating to services offered that comply with Subsection K. (Real estate signs), above.

Q. Signs on park benches.

Signs indicating the name of the donor of the park bench shall be limited to letters not exceeding one inch in height or a logo not exceeding 12 inches in diameter. Donors placing park benches in the public right-of-way shall be limited to service clubs, business associations, or other nonprofit organizations.

R. Signs on waste receptacles.

Signs indicating the purpose of the receptacle and/or the name of the donor shall be limited to letters not exceeding one inch in height or a logo not exceeding 12 inches in diameter. Donors placing receptacles in the public right-of-way shall be limited to service clubs, business associations, or other nonprofit organizations.

S. Signs in any zone.

A sign, masonry wall, landscaping, and other similar materials or features may be combined to form a display for neighborhood or tract identification; provided, the legend of the sign or display shall consist only of the neighborhood or tract name.

T. Symbols or insignia.

Religious symbols, commemorative plaques of recognized historical agencies, or historical identification emblems of religious orders or historical agencies; provided, that no symbol,

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plaque, or identification emblem shall exceed four square feet in area, and provided that all symbols, plaques, and identification emblems shall be placed flat against the building.

U. Temporary signs.

Temporary signs not exceeding four square feet in area pertaining to drives or events of civic, philanthropic, educational, or religious organizations.

V. Warning signs.

Signs warning the public of danger, as long as they are removed when the danger subsides.

14.38.040 - Prohibited Signs

The following signs are inconsistent with the purposes and standards of this Chapter and are therefore prohibited in all zoning districts:

A. A-frame signs.

A-frame or sandwich-board, sidewalk, or curb signs are prohibited in commercial areas.

B. Abandoned signs.

Signs that advertise a business, lessor, owner, product, service, or activity no longer located on the site shall be prohibited.

C. Animated and intensely lighted signs.

No sign shall be allowed that is animated by means of flashing, scintillating, blinking, or traveling lights or any other means not providing constant illumination. Public service information signs and other electronic message centers classified as "changing signs" are allowed.

D. Flags.

Flags other than those of a nation, state, political body, or corporation are prohibited.

E. Miscellaneous signs and posters.

Tacking, pasting, or otherwise affixing signs of a miscellaneous character on the walls of buildings, barns, sheds, trees, posts, fences, or other structures or objects so as to be visible from a public right-of-way is prohibited unless otherwise allowed by this title.

F. Off-premise signs.

Signs that advertise goods, products, entertainment, services, or facilities at a different location from that of the sign shall not be allowed.

G. Parking of advertising vehicles.

Vehicle signs attached to or painted on motor vehicles that are parked on or adjacent to property for more than 48 consecutive hours when the principal purpose is to attract attention to a product sold or business located on the property shall be prohibited.

H. Pole signs.

Pole signs with exposed poles, masts, or exposed structural supports are prohibited.

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I. Portable signs.

Portable or wheeled signs are prohibited, except for signs allowed on motor vehicles.

J. Projecting signs.

Projecting signs are prohibited.

K. Roof signs.

Roof signs shall not be allowed and the painting or changing of existing roof sign panels shall not be allowed.

L. Signs in public areas.

Signs shall not be allowed on a curb, sidewalk, post, pole, hydrant, bridge, tree, or other surface located on public property or on/over a public right-of-way, except that signs may be placed in a public right-of-way subject to the following criteria and approved by the Commission:

1. The right-of-way width is 200 feet or greater.
2. Signs are set back a minimum of 50 feet from the centerline of a right-of-way.
3. The location of a sign is approved by the Engineering Department through the issuance of an encroachment permit.
4. The owner enters into a hold harmless agreement with the City in form and content approved by the City Attorney.
5. Signs are limited in number to one per ingress/egress to an abutting site and shall not exceed 12 feet above road centerline height.

M. Swinging signs.

Swinging signs are prohibited, except in the case of swinging signs not exceeding 6 square feet.

N. Temporary signs.

Pennants, searchlights, twirling signs, sandwich board signs, sidewalk or curb signs, balloons, and other gas-filled figures shall not be allowed on a permanent basis.

O. Unclassified signs.

Signs that are characterized by the following are prohibited:

1. Bear or contain statements, words, or pictures of an obscene, pornographic, immoral character, or that contain advertisements that are untruthful.
2. Are painted on or attached to a fence or a wall that is not structurally a part of a building, except in the case of residential properties.
3. Employ a stereopticon or motion picture projection or media in conjunction with advertisement, or have visible moving part or give the illusion of motion except as allowed in this Chapter.

4. Emit audible sound, odor, or visible matter.
5. Resemble or imitate an official traffic sign or signal, or bear the words "Stop," "Go Slow," "Caution," "Warning," or similar words.
6. By reason of their size, location, movement, content or manner of illumination, may be confused with or construed as a traffic control sign, signal, or device, or the light of an emergency or road equipment vehicle, or which hide from view any traffic or street sign or signal device.

P. Visible frames or structures.

Visible angled iron frames or structures to support projecting signs are prohibited.

14.38.050 - Nonconforming Signs

A. Legal nonconforming status.

A sign located within the City as of the date of adoption of this Development Code that does not conform with the provisions of this Chapter is eligible for characterization as a "legal nonconforming" sign and is allowed; provided, it also meets the following requirements:

1. The sign was issued a permit before the date of adoption of this Development Code, if one was required under the applicable law.
2. If no permit was required under the applicable law, the sign was in compliance in all respects with the applicable law on the date of adoption of this Development Code.

B. Loss of legal nonconforming status.

A legal nonconforming sign shall immediately lose its legal nonconforming designation if any one of the following occurs:

1. The sign is structurally altered.
2. The sign is relocated.
3. The sign is abandoned as defined in Article 6 (Glossary) for a period of 60 days or more.

C. Result of loss of legal nonconforming status.

A sign that loses its legal nonconforming status shall be immediately brought into conformance with this Chapter and an accompanying permit, or shall be removed.

D. Maintenance and repair of legal nonconforming signs.

Nothing in this Chapter shall relieve the owner or user of a legal nonconforming sign or owner of the property on which the legal nonconforming sign is located from the provisions of this Chapter regarding safety, maintenance, and repair of signs; provided, that any repainting, cleaning, or other normal maintenance or repair of the sign or copy that in any way makes it more nonconforming may cause the sign to lose its legal nonconforming status.

14.38.060 - Sign Maintenance**A. Signs shall be maintained.**

Signs shall be maintained by the owner or person in possession of the property on which the sign is located. Maintenance shall conform with the conditions of the sign permit.

B. Damaged signs.

A damaged sign base shall be repaired within 60 days.

C. Pole covers and sign cabinets.

Metal pole covers and sign cabinets shall be kept free of rust and rust stains.

D. Internally illuminated sign cabinets or panels.

Internally illuminated sign cabinets or sign panels that have been damaged shall remain unilluminated until repaired.

E. Damaged signs that may pose a hazard.

Signs that have been damaged to an extent that it may pose a hazard to passersby, as determined by the Director, shall be repaired or removed immediately.

14.38.070 - Signs Allowed in Nonresidential Zoning Districts**A. Maximum sign area.**

The maximum allowable sign area for the face of a sign, or each face of a double-faced sign, for all signs regulated by this Chapter shall be as follows in Table 3-5:

**TABLE 3-5
MAXIMUM SIGN AREA**

	Base Area Maximum Square Footage	Sign Area Maximum Square Footage
Single Business Parcel	30 sq. ft.	1 sq. ft. for each linear foot of building frontage for first 50 linear feet of frontage plus 0.5 sq. ft. for each additional linear foot, up to a maximum sign area of 200 sq. ft. of aggregate sign area for each lot frontage
Business Within Center/Complex	30 sq. ft.	1 sq. ft. for each linear foot of building frontage for first 50 linear feet of frontage plus 0.5 sq. ft. for each additional linear foot, up to a maximum sign area of 200 sq. ft. of aggregate sign area (in the case of tenant spaces with more than one frontage, only the main entrance frontage shall be considered)
Business With Alley Frontage or Parking-In-Common Area Frontage		1 sq. ft. for each linear foot of building frontage on an alley or parking-in-common area for first 20 linear feet of frontage plus 0.5 sq. ft. for each additional linear foot, up to a maximum sign area of 40 sq. ft.

B. Allowable nonresidential signs.

Permanent signs in nonresidential areas shall be as follows in Table 3-6:

**TABLE 3-6
MAXIMUM SIGN AREA**

Sign Type	Number of Signs	Sign Area Maximum Square Footage	Maximum Height	Remarks
Freestanding Signs	Single business parcels: 1 for each frontage at least 50 feet in length Center or complex: 1 for each street frontage to identify the center/complex.	See Table 3-5 (above) 50 sq. ft. for the first 100 ft. of building frontage plus an additional 0.5 sq. ft. of area for each additional 1 ft. of building frontage to a maximum sign area of 80 sq. ft. Area of sign shall be in addition to the total allowed sign area for individual businesses as provided in Table 3-5 (above)	8 feet for parcels with lot frontages between 50-100 feet. 15 feet for parcels with lot frontages of 100 feet or greater	Freestanding signs shall not exceed the height of the associated building. Businesses within center/complex and parking-in-common tracts are not entitled to freestanding signs for individual businesses unless the businesses are on parcels with at least 100 feet of street frontage, have signs that have been authorized by a city-adopted parking-in-common plan, or the tract or portion is excepted from adherence to parking-in-common design requirements by the Commission. No freestanding sign shall be located closer than 5 feet to an interior property boundary line. No sign may project into or over an abutting public right-of-way. Address numerals shall be included on all sign structures. The numerals shall be a minimum of four inches and a maximum of eight inches in height.
Wall Signs		See Table 3-5 (above)		Allowed for each parcel having frontage on a public right-of-way. Where a parcel fronts on more than one public right-of-way or street, including parking-in-common areas but excluding alleys and service ways, these provisions shall apply to each frontage. Wall signs may be directly or indirectly illuminated, except for signs on building frontages on alleys or parking-in-common areas facing residential zoning districts.
Directional Signs	1 allowed near each driveway	4 sq. ft.	4 ft.	

C. Allowable temporary nonresidential signs.

Temporary signs in nonresidential areas shall be allowed at grand openings of new businesses in commercial and industrial zoning districts for a period not to exceed 60 days as follows in Table 3-7.

**TABLE 3-7
TEMPORARY NONRESIDENTIAL SIGNS**

Sign Type	Number of Signs/Sign Area	Sign Area Maximum Square Footage	Maximum Height	Remarks
Balloons	Maximum of 100	16 inch balloons	Shall be placed no more than 30 feet above ground and shall not be placed on top of a roof	Allowed only on Fridays, Saturdays, Sundays, and holidays for a commercial business within a commercial zoning district Balloons shall be taken down at night, shall not be cut loose to float away, and shall be inflated with nonflammable gas
Banners	1 percent of building ground floor area	Minimum of 30 sq. ft. and maximum of 100 sq. ft.		Allowed by a sign permit for each calendar year
Commercial flags				Allowed by a sign permit for each calendar year for businesses approved for outdoor sales
Large Inflatable Devices				Allowed by temporary use permit
Pennants	1 strand for each 15 linear feet of parcel frontage			Allowed by a sign permit for each calendar year for businesses approved for outdoor sales
Searchlights, twirling signs, sandwich board signs, sidewalk or curb signs				Allowed by a sign permit

D. General sign requirements.**1. Design.**

Signs shall be designed and constructed of a building material compatible with the primary structure(s) on the site.

2. Illumination.

Illuminated signs shall be internally illuminated or shall be illuminated by ground-mounted lighting with the light source completely screened from view.

3. Identification.

Signs shall provide the name of the maker, date of installation, and permit number in a conspicuous place so as to be clearly legible.

14.38.080 - Signs Allowed in Residential Zoning Districts**A. Multi-family zoning districts.**

For multi-family residential uses, one indirectly lighted or unlighted identification sign not to exceed a maximum of 20 square feet in area identifying only the name and address of the building shall be allowed on the building wall.

B. Garage sales.

Two signs not to exceed a maximum of four square feet in area pertaining to a garage or yard sale shall be allowed during the sale only, for a period not to exceed five days.

C. Model home signs.**1. Freestanding signs.**

One freestanding sign per parcel frontage not to exceed a maximum combined sign area of 24 square feet for all frontages, a maximum sign height of six feet, and a maximum sign width of eight feet shall be allowed. An additional removable sign with a maximum area of three square feet identifying the premises as "open" or "closed" and/or hours of operation shall be allowed to be attached to the principal sign.

2. Flags.

Up to two commercial flags with a maximum area of three feet by five feet on poles not to exceed 15 feet in height shall be allowed.

3. Temporary signs.

- a. Temporary signs (e.g., banners, pennants, and other temporary signs) shall be allowed for grand openings of model homes for a maximum of 45 consecutive days.
- b. Banners not to exceed a maximum area of 30 square feet and pennants not to exceed three strands shall be allowed to be located in the front yard behind the required setback area for a maximum of five days per event for up to four promotional events per calendar year.

- c. Grand opening and special event sign permits shall be required for each calendar year.
- d. Temporary signs shall be maintained in good condition.

4. Illumination.

Signs shall not be directly or indirectly illuminated.

14.38.090 - Signs Allowed in Mobile Home Parks

A mobile home park shall be allowed one lighted or unlighted identification sign not exceeding 30 square feet when erected parallel to the right-of-way. No sign shall have a surface area greater than 15 square feet on each face of the sign when erected at right angles to the right-of-way.

14.38.100 - Political and Campaign Signs

Political and campaign signs on behalf of candidates for public office or measures on primary, general, or special election ballots shall be allowed in all zoning districts in compliance with the following:

A. Shall not be erected earlier than 60 days prior to the election.

Signs shall not be erected earlier than 60 days prior to the election and shall be removed within 15 days after the primary or special election, except that the successful candidate may post them until 15 days after the general election, at which time they shall be removed.

B. Parties responsible for the erection shall be liable for the removal.

The person, political party, or parties responsible for the erection or distribution of signs shall be jointly and individually liable for their removal.

C. Signs placed in residential zoning districts.

Political signs placed in a residential zoning district shall not exceed eight square feet in area and shall not require a permit.

D. Signs placed in commercial zoning districts.

Political signs placed in a commercial zoning district shall not exceed 24 square feet in area.

E. Signs shall not constitute a traffic hazard.

Political signs placed in any zoning district shall not constitute a traffic hazard and shall not be placed on public property, public rights-of-way, or utility poles or similar devices.

F. Payment of deposit or bond required.

Each political party, parties, or individual shall pay a deposit or bond of and each nonpartisan candidate shall pay a deposit or bond, as adopted by City Council, prior to placing any signs. This deposit shall secure the faithful performance by the party, parties, or individual of the requirements of this Chapter and shall be used to reimburse the City for any costs incurred in the violation of any requirement of this Chapter. Deposits, less authorized deductions, shall be returned upon satisfaction that the signs have been removed by the party, parties, or individual.

Chapter 14.40 - Standards for Specific Land Uses

Sections:

- 14.40.010 - Purpose
- 14.40.020 - Accessory Living Quarters
- 14.40.030 - Accessory Structures - Non-Living
- 14.40.040 - Adult Businesses
- 14.40.050 - Golf Course Barriers
- 14.40.060 - Home Occupations
- 14.40.070 - Mobile Home Parks
- 14.40.080 - Model Homes
- 14.40.090 - Recreational Vehicle Parks
- 14.20.100 - Residential Care Homes
- 14.40.110 - Wireless Communication Towers

14.40.010 - Purpose

This Chapter provides site planning and development standards for land uses that are allowed by Article 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards) in individual or multiple zoning districts.

14.40.020 - Accessory Living Quarters

A maximum of one accessory living quarters, as defined in Article 6 (Glossary), shall be allowed per parcel in compliance with the land use provisions of Article 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards) and the following standards:

- A. Shall not alter character of residence.**
The use shall not alter the character of the premises as a single-family residence.
- B. Minimum/maximum areas.**
Accessory living quarters shall be a minimum of 400 square feet in area and a maximum of 1,000 square feet in area or 50 percent of the living area of the primary structure, whichever is less.
- C. No separate utility service.**
Accessory living quarters shall not be serviced by a separate utility meter for electric, gas, sewer, telephone, or water.

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D. Shall be architecturally compatible.

Structures for detached accessory living quarters shall be architecturally compatible with the primary structure through the use of compatible architectural features, building materials, and colors.

E. Location of living quarters.

The accessory living quarters shall be located within the setback area applicable to the principal dwelling unit.

F. Separation of living quarters.

The separation of the accessory living quarters within the buildable area from the principal dwelling unit shall be in compliance with the adopted Building Code.

G. Shall not be rented.

Accessory living quarters shall not be rented.

14.40.030 - Accessory Structures - Non-Living**A. Coverage, height, and separation requirements.**

Accessory structures and structures necessary to residential uses may occupy not more than 50 percent of the required rear yard, are not to be more than 15 feet in height, and are to be located at least 10 feet from the nearest part of the main structure.

B. Required distance from side or rear property line or utility easement.

No accessory structure shall be located within five feet of a side or rear property line or into or onto a public utility easement.

C. Utility meters for electric, gas, sewer, telephone, and water.

Accessory structures and structures not to be used for living purposes may be serviced with separate utility meters for electric, gas, sewer, telephone, and water. Second electrical and gas meters shall be identified by the placement of a metal plaque with letters a minimum of 1/2 inch in height on each meter clearly identifying the total number of service meters.

14.40.040 - Adult Businesses**A. Purpose.**

Based on public testimony and other evidence before it, including information, studies, and court decisions from other jurisdictions, the Council made the following legislative findings:

1. The concentration of sexually oriented businesses in an area and/or the location of the businesses in proximity to sensitive uses (e.g., churches, residential areas, parks, and, schools) may and do generate secondary effects that are detrimental to the public health, safety, and welfare. Secondary effects that may and do deteriorate the quality and safety of commercial and residential areas adjacent to them include the following: (a.) prostitution and other sex related offences, (b.) drug use and dealing, (c.) health risks through the spread of AIDS and other sexually transmitted diseases, and (d.) infiltration by organized crime for the purpose of drug and sex related business activities, laundering of money, and other illicit conduct, and (e.) lowered property values. These findings have been

documented in secondary effects studies performed by the City of Phoenix (1979); the City of Amarillo, Texas (1977); the City of Lancaster, California (1992) and the State of Minnesota (1989).

2. Zoning regulations that limit the concentration of sexually oriented businesses and the reasonable separation of the uses from sensitive uses is a legitimate use of the police power to address identified secondary effects of the location of the businesses.
3. The Lake Havasu City Police Department has reviewed pertinent studies identified above, researched criminal activity and misconduct associated with a limited number of sexually oriented businesses located in Lake Havasu City and have concluded that the type of incidence reported in conjunction with the businesses show a pattern of misconduct that closely parallels criminal activity documented in these studies.
4. This Chapter is not intended to interfere with legitimate expression, but to avoid and mitigate the secondary effects listed above.

B. Definitions.

The following definitions shall apply to this Chapter:

Adult Arcade.

A place to which the public is allowed or invited wherein coin operated or slug operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to 5 or fewer persons per machine at any one time, and where the images displayed are distinguished or characterized by emphasizing the depicting or describing of "specified sexual activities" or "specified anatomical areas."

Adult Bookstore or Adult Video Store.

A commercial establishment having as a substantial and significant portion of its stock and trade any one or more of the following:

1. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations that are characterized by their emphasis on matters depicting or describing "specified sexual activities" or "specified anatomical areas."
2. Instruments, devices, or paraphernalia that are designed or intended for use in connection with "specified sexual activities."

Adult Cabaret.

A nightclub, restaurant, or other similar commercial establishment that regularly features one or more of the following:

1. Persons who appear in a state of nudity.
2. Live performances that are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".

3. Films, motion pictures, video cassettes, or other photographic reproductions that are characterized by their emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas".

Adult Hotel.

A hotel or motel in which a substantial and significant portion of its business consists of renting a room to one or more persons for periods of 6 consecutive hours or less, or in which a substantial and significant portion of the materials presented are distinguished or characterized by an emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas", for observation, viewing, or purchase by the individuals therein.

Adult Motion Picture Theater.

A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown that are characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas".

Establishment.

Means and includes any of the following:

1. The opening or commencement of a sexually oriented business as a new business.
2. The conversion of an existing business, whether or not a sexually oriented business, to a sexually oriented business.
3. The addition of a sexually oriented business to an other sexually oriented business.
4. The relocation of a sexually oriented business.

Nude Model Studio.

A place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

Operates or Causes To Be Operated.

To cause to function or to put or keep in operation. A person may be found to be operating or causing to be operated a sexually oriented business whether or not that person is an owner, part owner, or managing employee of the business.

Nudity or State of Nudity.

Includes any of the following:

1. The appearance of unclothed human anus, male or female genital organs, or the nipple and/or areola of the female breast.
2. A state of dress that fails to fully and opaquely cover a human anus, male or female genital organs, or the areola of the female breast.

Residential Zoning District.

A single-, two-, and multiple-family, townhouse, or mobile home zoning district as defined in this Development Code.

Residential Use.

A single-, two-, and multiple-family, townhouse, or mobile home park as defined in this Development Code.

Sexually Oriented Business.

An adult arcade, adult bookstore, adult cabaret, adult hotel, adult motion picture theater, or nude model studio.

Specified Anatomical Areas.

Nudity or a state of nudity, or the exposure of clothed male genital organs in a discernable state of sexual arousal.

Specified Sexual Activities.

Means and includes any of the following:

1. The fondling or erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
2. Sex acts, normal or perverted, including intercourse, oral copulation, or sodomy.
3. Masturbation.
4. Excretory functions as a part of or in connection with any of the activities identified in Subparagraphs 1. through 3., above.

Substantial Enlargement.

The increase in floor area occupied by a sexually oriented business by an amount equal to or greater than 25 percent.

C. Allowable locations for sexually oriented businesses.

Sexually oriented businesses shall be allowed in compliance with the land use provisions of Article 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards) and the following standards:

1. No person shall operate or cause to be operated a sexually oriented business within 500 feet of any of the following:
 - a. A church.
 - b. A public or private elementary or secondary school.
 - c. A public or private day care center, preschool, nursery, kindergarten, or similar use.
 - d. A boundary of a residential zoning district or residential use.
 - e. A public park.
 - f. An establishment having an Arizona Spirituous Liquor License.
2. No person shall operate, cause to be operated, establish, or enlarge a sexually oriented business within 1,000 feet of any other sexually oriented business.
3. No person shall operate, cause to be operated, or establish more than one sexually oriented business in the same structure or portion of a structure.
4. For the purposes of Subparagraph 1., measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the structure used as a part of the premises where a sexually oriented business is conducted to the nearest property line of a church, school, park, residential district or residential use, or establishment with a spirituous liquor license.
5. For the purpose of Subparagraph 2., the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.
6. A sexually oriented business operating lawfully on the date of adoption of this Development Code that subsequent to the issuance of a Conditional Use Permit, does not comply with Subparagraphs 1., 2., 3., or 4. due to the location of a church, park, residential zoning district or residential use, school, or establishment with a spirituous liquor license within 500 feet of a sexually oriented business shall be deemed a legal nonconforming use.

D. Enforcement, violations, and defenses.

1. A person who violates a provision of this Section or who establishes a sexually oriented business without first making application for and receiving a use permit shall be guilty of criminal violation of the Development Code, punishable as identified in Chapter 14.62 (Enforcement).
2. If an allegation charges the unlawful operation of a nude model studio, the following, if applicable, may serve as a defense:
 - a. If it occurred in the context of an art, photography, or modeling class operated by a college, junior college, or university supported entirely or partially by taxation or at a private college, junior college, or university in which credits earned are transferable to a similar institution supported entirely or partially by taxation.
 - b. If it occurred in a structure that has no sign visible from the exterior and no other advertising that indicates a nude person is available for viewing, if in order to participate in a class or a modeling session a person must register not less than three days in advance, and if no more than one nude model is on the premises at a given time.

14.40.050 - Golf Course Barriers**A. Purpose.**

This Section provides procedures and standards for the provision of protective barriers from golf balls for homes located immediately adjoining a public or private golf course. The intent of this Section is to reduce the impact that protective barriers may have on the surrounding uses.

B. Location.

A protective barrier shall only be located on lots that immediately adjoin property developed for golf course purposes or on property developed for public or private golf course use.

C. Setbacks.

No setbacks required. Protective barriers may be located on the property line, but shall not encroach onto adjoining properties.

D. Height.

No maximum height.

E. Design Standards.

1. Wooden poles, natural vegetation, or steel poles are allowed.
2. Poles shall be spaced a minimum of 15 feet apart, except as required by an engineer's report.
3. Steel poles shall be painted to harmonize with the color of the netting.

4. Netting shall be one inch poly twine rope.
5. Cabling and hardware shall be color coordinated to the netting.
6. Guy wires shall not be located outside of the fence line.

F. Design Review.

A protective barrier that is not more than 30 feet in height shall not require Design Review approval in compliance with Section 14.44.030 (Design Review).

G. Building Permits.

A Building Permit shall be required for any protective barrier only if required by the adopted Building Code.

14.40.060 - Home Occupations

A. Purpose and intent.

The purpose and intent of this Section is to provide peace, quiet, and domestic tranquility within all residential neighborhoods within the City, and to guarantee to all residents freedom from excessive noise, excessive traffic, fire hazard, nuisance, and other possible effects of commercial uses being conducted in residential areas.

B. Secondary to principal use.

The carrying on of any business within the home shall be clearly incidental and secondary to the principal use of the residence.

C. Area of home occupation.

The business or occupation shall be carried on wholly within the principal structure and garage and shall not occupy more than 25 percent of the total combined floor area of the principal structure and garage.

D. Employees.

1. No employees allowed.

No employees or assistants shall be engaged for services on the premises other than the immediate members of the family, except as may otherwise be authorized by this Subsection.

2. Group care homes.

Group care homes may have one non-resident employee for each shift or a number of employees mandated by County, State, or Federal law, in addition to the resident care giver; provided, the group care home complies with the following criteria:

- a. The group care home has a current license as required by the County, State, or Federal government;

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- b. The residence conforms to all applicable Building and Fire Codes and Development Code requirements as determined in conjunction with the Business License and home occupation compliance review procedure;
- c. The care provider shall be a resident of the facility;
- d. The maximum number of unrelated residents in any group care home is limited to five persons for each dwelling unit, consistent with the definition of "family" in Article 6 (Glossary).

E. Sale of goods and services from premises.

- 1. No commodities shall be displayed for sale or rent to the public on the premises, except for garage sales as provided in Subsection L., below.
- 2. Customer or client contact at the business premises shall be limited to not more than one business caller or visitor at a time and not more than one visitor per hour. All customer or client contact shall be restricted to the hours of 7:00 a.m. through 7:00 p.m.
- 3. Commercial deliveries or outside services are restricted to those normal and incidental to the residential uses in the subject zoning district.
- 4. No home occupation that serves as a headquarters or dispatch center, where employees come to the site to be dispatched to other locations, shall be allowed.
- 5. On-street parking connected with the home occupation shall not be allowed.

F. Prohibited home occupations.

The following uses shall be prohibited as home occupations:

- 1. Ambulance services;
- 2. Automotive or television repair, parts sales, detailing, upholstery, or washing;
- 3. Beauty salons and barber shops;
- 4. Cabinet shop;
- 5. Commercial fungicide, herbicide, insecticide, or rodenticide applicators;
- 6. Large appliance repair;
- 7. Medical or dental office;
- 8. Pet grooming;
- 9. Repair or service at the business license address of mobile repair operator(s);

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10. Restaurant;
11. Taxi service with more than one vehicle; or
12. Veterinary uses.

G. Other uses not expressly allowed or prohibited.

All uses not identified as prohibited in Subsection F., above, shall require a determination of zoning compliance by the Zoning Administrator in the following manner:

1. The application for a determination of zoning compliance shall provide the Zoning Administrator with a description of the home occupation in sufficient detail to evaluate compliance with this Section. This information would normally be provided in the application for a Business License and/or supplemental applications for the home occupation.
2. The Zoning Administrator shall decide whether the home occupation complies with the provisions of this Section.
3. The decision of the Zoning Administrator in the determination of zoning compliance may be appealed to the Board of Adjustment in compliance with Chapter 14.60 (Appeals).

H. Advertising.

1. No advertisement shall be placed in any media containing the address of the subject property.
2. No external business signs shall be allowed unless authorized by the sign regulations for residential districts. Window areas shall not intentionally or purposely be used to display or offer merchandise for sale to the exterior of the residence or allowed accessory structure.

I. Outside storage.

No exterior storage of business equipment, except vehicles allowed in compliance with Section 14.36.080 (Parking of Oversized Vehicles); heavy equipment; inventory; materials; or merchandise shall be allowed in connection with the home occupation. The storage shall be kept in a location correctly zoned for exterior storage.

J. Hazardous materials.

None of the following materials shall be used or stored on the subject premises:

1. Class A, B, or C explosives, with the exception of hobby reloading as defined by the Uniform Fire Code;
2. Class A or B poisons, no exceptions;

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3. Corrosive/oxidizing chemicals, other than what is normally consumed on the premises for normal use (e.g., drain cleaner, pool chemicals, etc.);
4. Flammable/combustible liquids over five gallons, unless in a licensed vehicle or watercraft;
5. Hazardous materials as defined by the Environmental Protection Agency; or
6. Pesticides registered under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by the Federal Environmental Pesticide Control Act of 1979 which are not used around the home for personal consumption.

K. Performance standards.**1. Maintenance of character, peace, and quiet.**

No use shall be allowed which by reason of color, construction, design, dust, glare, heat, lighting, materials, noises, signs, smoke, sounds, or vibrations alters the residential character of the premises, or which unreasonably disturbs the peace and quiet of the surrounding residents.

2. Traffic and parking.

The use shall not generate pedestrian or vehicular traffic in excess of that customarily associated with the zoning district in which the use is located. The home occupation shall not displace or impede use of parking spaces required for the residential use, including business storage in the required covered parking areas.

3. Service requirements.

The use shall not create excessive demand for municipal or utility services or community facilities beyond those actually and customarily provided for residential uses.

4. Equipment and materials use.

No electrical or mechanical equipment or stock material shall be used other than that customarily found in the home; provided, the electrical, machinery, or stock material does not create, emit, or generate excessive electrical interference, dust, fire hazard, glare, heat, noise, odor, smoke, vibration, or any other hazard or nuisance to any greater or more frequent extent than normally experienced in an average residential neighborhood.

L. Garage sales.

Sale of items from a residential lot may be allowed; provided, it meets the following standards:

1. Sales last no longer than three consecutive days.
2. Sales are held no more than twice yearly for each address.
3. Sales are conducted on the owner's property. Multi-family sales are allowed if they are held on the property of one of the participants.

4. No goods purchased for resale may be offered for sale.
5. No consignment goods may be offered for sale.
6. Directional and advertising signs:
 - a. Shall be freestanding and removed after completion of the sale;
 - b. Shall not be placed on the street right(s)-of-way;
 - c. Shall not be larger than two feet by three feet; and
 - d. When placed on private property shall have the owners' prior permission.

M. Enforcement.**1. Inspection.**

The building and fire prevention inspectors shall have the right of reasonable inspection as with any other business within the City for the purpose of protecting the general health, safety, welfare, peace, and enjoyment of the residential neighborhood.

2. Nonconforming home occupations.

- a. Nonconforming uses, legal under this Development Code, shall continue as legal nonconforming uses under the current Code until:
 - (1) The operator ceases to do business for a period of 60 days or more;
 - (2) The operator fails to maintain a proper Business License for more than 30 days; or
 - (3) The business is moved to a new location.
- b. If lost, a legal nonconforming status cannot be regained and the use shall be subject to the applicable regulations of this Development Code, and, as of July 1, 1997 and thereafter, shall comply with Subsections G. and K., above.

14.40.070 - Mobile Home Parks**A. Allowable use.**

A mobile home park shall be allowed in compliance with Article 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards).

B. Density.

The maximum density of a mobile home park shall be 10 mobile home spaces per net acre, deducting the area of existing and proposed public rights-of-way.

C. Space size and dimensions.

1. Mobile home spaces shall be at least 3,000 square feet in area.
2. The minimum space width shall be 40 feet and the minimum depth shall be 60 feet.

D. Site access and circulation.

1. The park shall have a minimum 42-foot wide access to a public street.
2. The park shall be provided with access from a public street with a minimum of 70 feet of right-of-way.
3. The minimum dimension of interior private streets in mobile home parks shall be in compliance with Table 3-8.

**TABLE 3-8
MINIMUM DIMENSION OF INTERIOR PRIVATE STREETS**

Type of Parking	One-way Streets	Two-way Streets
No side parking	15 ft.	20 ft.
Parking on one side	22 ft.	28 ft.
Parking on both sides	Not Allowed	34 ft.

4. Private accessways to units and individual space arrangements shall be adequate to accommodate the movement of either a mobile home or recreational vehicle and in compliance with approved plans.
5. Private accessways to units shall be paved.
6. Sidewalks a minimum of two feet in width shall be provided on at least one side of all private streets.

E. Landscaping.**1. Required landscape area.**

A minimum of 10 percent of the site area shall be landscaped.

2. Perimeter screening.

- a. A masonry wall six feet in height shall be constructed 10 feet back from the property line along exterior property lines that abut public streets.
- b. A landscaped strip 10 feet in width shall be required between the wall required in Subparagraph 1., above, and an exterior property line that abuts a public street.

3. Spaces and common areas.

The front and side mobile home unit space setbacks and all open areas of the mobile home park shall be landscaped in compliance with the plan approved by the Commission.

F. Common area facilities.

1. There shall be a community building to provide for the service needs of park residents.
2. There shall be a recreational area for use by park residents that shall comprise at least four percent of the site area with facilities approved by the Commission in compliance with Article 4 (Land Use Permits).

G. Dwelling units of conventional construction.

Structures of conventional construction shall not be allowed on any space for living purposes, except for the following:

1. Manager's office and residence.
2. Recreation and social centers (e.g., for banquets, child care, crafts, dancing, games, hobbies, meetings, movies, etc.)
3. Outdoor recreation facilities (e.g., parks, playgrounds, ramadas, swimming pools, tennis courts, etc.).
4. Coin-operated laundry facilities.
5. Maintenance buildings or facilities.
6. Security houses at park entrances.
7. Boat and recreational vehicle storage, including wash areas.
8. Recreation center parking lots and guest parking areas.

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9. Directional, informational, and identification signs within the park in compliance with Chapter 14.38 (Signs).
10. Temporary construction buildings and yards necessary during the development of the park.
11. Certain accessory structures that are complementary to individual mobile home units (e.g., covered carports, patio awnings, ramadas, storage buildings, and room additions) that appear to be an integral part of and architecturally compatible with the mobile home unit.

H. Installation Permit.

An Installation Permit shall be issued for each mobile home unit placed in the park in compliance with Article 4 (Land Use Permits).

I. Standards for mobile home units.**1. Size.**

- a. A mobile home unit, together with any other structure, shall not comprise either more than 60 percent of the lot size or less than 920 square feet in area.
- b. A mobile home unit shall not have an originally manufactured living area greater than 2,000 square feet, nor less than 720 square feet except as otherwise approved by the Commission.

2. Date and type of manufacture.

- a. Mobile home unit installations are limited to mobile homes originally manufactured after June 15, 1976, meeting Federal Housing and Urban Development (H.U.D.) standards and originally manufactured as a residential unit or dwelling.
- b. Units shall not have deteriorated or been modified since manufacture in a way so as to materially detract from its aesthetic characteristics or its fitness for human habitation, specifically including fire safety.
- c. An affidavit, in form prescribed by the Director, regarding original manufacture, modification, deterioration, and other information as deemed by the Director, shall be executed by the applicant as a condition to the issuance of a mobile home installation permit.
- d. The affidavit, a visual inspection to determine that there exist no obvious modifications or deterioration, and the existence of a valid H.U.D. insignia installed on the mobile home unit shall be required for the issuance of a mobile home installation permit.
- e. The wheels of the mobile home unit shall not be removed prior to the issuance of an installation permit.

3. Additional structural requirements.

- a. Cabanas, carports, patios, ramadas, utility closets not larger than seven feet by nine feet, garages, and screened or glassed rooms shall be allowed in connection with mobile home units.
- b. Additions to the living area of the mobile home unit shall not be allowed except through a Conditional Use Permit approved by the Commission in compliance with Article 4 (Land Use Permits).

4. Mobile home skirting requirements.

- a. Mobile home units shall be installed with skirting around the entire perimeter of the unit, from the lower edge of the unit to the ground.
- b. Materials used to skirt the mobile home unit shall be aesthetically compatible with the exterior of the unit.

J. Park administration.

1. It shall be the responsibility of the park owner and manager to ensure compliance with the provisions of this Section. Penalties for violation shall be in compliance with Chapter 14.62 (Enforcement).
2. Mobile home park spaces shall be rented or leased only.
3. The management shall be held responsible for alterations and additions to the mobile home park and the mobile home units and shall confirm that permits and inspections are obtained from the applicable authorities.
4. The owner of the park shall be responsible for maintaining the park free of brush, leaves, and weeds.
5. The owner of the park shall be responsible for ensuring that combustible materials are not stowed in, around, or under mobile home units.
6. Either the owner, operator, resident manager, or similar supervisor or representative shall be available and responsible for the direct management of the mobile home park on a daily basis.

14.40.080 - Model Homes**A. Allowed use.**

Model homes are allowed in all residential zoning districts subject to the standards provided in this Section.

B. Standards.

1. Model home locations shall not be listed as a business address for business licensing purposes unless the model home is also qualified as a home occupation.
2. Model homes shall not be represented by more than five builder and/or sales representatives on a full-time basis. The primary function of these representatives is to promote the siting, contracting, sales and sales support operations of the home builder's products and contracting. Licensed real estate sales representatives may perform other real estate activities arising from and incidental to the primary function of selling the model home.
3. No construction or builder's contracting equipment shall be stored or kept on the site of the model home.
4. Model home signs are allowed in compliance with Subsection 14.38.080 C. (Model Home Signs). Anything incidental to the model home, including banners, flags, and signs shall be removed upon the change of the model home to a residential use.
5. Model homes may be furnished.
6. No other unrelated business activity may be operated from a model home.
7. Model homes that also qualify as home occupations shall comply with all home occupation regulations with the exception of allowed model home signs.
8. Architectural changes to a model home to allow access by the public shall be done using standard residential type building materials (e.g., no commercial store fronts). Any changes should have only minimal visual impacts on the surrounding neighborhood.

14.40.090 - Recreational Vehicle Parks**A. Allowable use.**

A recreational vehicle park shall be allowed in compliance with Article 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards).

B. Space requirements.

1. Recreational vehicle spaces shall have a minimum width of 20 feet.
2. Two mobile home spaces each having an area of not less than 3,000 square feet and a width of not less than 40 feet may be allowed for use by park management.

C. Setbacks and distances.

1. The setbacks and separation distances for mobile home units and recreational vehicles within recreational vehicle parks shall be in compliance with Table 3-9, below.

**TABLE 3-9
SETBACKS AND SEPARATION DISTANCES**

Type of Setback or Distance	Minimum Setback For Mobile Home Units	Minimum Setback For Recreational Vehicles
Setback from property line abutting public right-of-way	20 ft.	20 ft.
Setback from other property line	10 ft.	10 ft.
Setback from edge of interior driveway	8 ft.	4 ft.
Setback from mobile home unit space not on interior driveway	5 ft.	3 ft.
Setback from mobile home unit space on two or more interior driveways	20 ft. on unit entry side 5 ft. on unit non-entry side	20 ft. on RV entry side 3 ft. on RV non-entry side
Distance from wall/fence when adjacent to residential zoning district	20 ft.	20 ft.
Distance between mobile home units or recreational vehicles	15 ft.	
Distance between mobile home unit/recreational vehicle and a building within the park	10 ft.	

2. Minimum setback distances shall be measured from the sidewall of the mobile home unit or recreational vehicle, or from the cabana, carport, patio cover, ramada, or similar appurtenance.

3. Recreational vehicles may be located on up to 50 percent of the mobile home unit spaces within a mobile home park, but the minimum setbacks required for mobile home units shall be provided. The location of mobile home units on recreational vehicle spaces shall be prohibited.
4. Mobile homes shall be located a minimum of 20 feet from a property line abutting a public street or highway, 100 feet from a centerline of a state highway, and 10 feet from other property lines.
5. Accessory structures shall be placed only in the rear yard. They shall be a minimum of three feet from another mobile home unit or other structure on the same space and a minimum of five feet from the rear of the space line.

D. Site access and circulation.

1. Recreational vehicle parks shall abut and have access from a public street with a minimum of 70 feet of right-of-way.
2. The minimum dimension of interior private streets within a recreational vehicle park shall be in compliance with Table 3-10.

**TABLE 3-10
MINIMUM DIMENSION OF INTERIOR PRIVATE STREETS**

Type of Parking	One-way Streets	Two-way Streets
No side parking	15 ft.	20 ft.
Parking on one side	22 ft.	27 ft.
Parking on both sides	not allowed	34 ft.

3. Adequate space for turnarounds shall be provided within recreational vehicle parks.
4. Private accessways and individual spaces shall be sited and designed to accommodate the frequent movement of recreational vehicles.
5. Private accessways, recreational vehicle spaces, and vehicular parking areas shall be paved.
6. Lighting shall be provided to illuminate interior accessways and walkways.

E. Accessory structures.

1. A community building shall be provided that includes restroom and laundry facilities to meet the service needs of occupants of the recreational vehicle park.
2. Accessory structures shall not exceed two stories or 30 feet in height, or the maximum height allowed for the zoning district in which the recreational vehicle park is located, whichever is more restrictive.

F. Recreational areas.

A recreational area shall be provided for occupants that shall comprise a minimum of four percent of the gross site area, not including required setback areas or similar areas not usable for recreational activities.

G. Boat storage areas.

Boats shall be stored in a designated storage area.

H. Fences and walls.

The exterior property lines of the recreational vehicle park shall be bounded by a solid fence or wall with a minimum height of five feet and a maximum height of six feet.

I. Landscaping.

Areas not covered by structures, paved accessways, and approved parking spaces shall be landscaped and maintained in compliance with the approved plans.

J. Utilities.

1. Utilities (e.g., electricity, sewer, telephone, water, etc.) shall be provided on the site.
2. Utilities, wires, and cables shall be located underground.
3. Recreational vehicle parks shall be subject to the requirements of State and County sanitary codes unless the requirements are less restrictive than the requirements of the City.
4. A means for emptying sewage holding tanks that is approved by the Mohave County Health Department shall be provided.

K. Fire protection.

Fire protection facilities shall be provided in compliance with the requirements of the Fire Department and Water Department.

14.40.100 - Residential Care Homes

- A. Allowed in compliance with Article 2.**
Residential care homes (e.g., child/adult day care, and residential care homes for the elderly) shall be allowed in compliance with the land use provisions of Article 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards).
- B. Shall conform to the standards of the subject zoning district.**
A residential care home shall conform to the property development standards of the zoning district in which it is located.
- C. Considered a residential use of property.**
Residential care homes shall be considered a residential use of property for the purposes of this Development Code.
- D. Shall provide parking in compliance with Chapter 14.36.**
Residential care homes shall provide parking in compliance with Chapter 14.36 (Parking and Loading).
- E. Fence for outdoor play areas required.**
Children's homes shall provide a five-foot high fence for the outdoor play areas.
- F. Certification required.**
Certification for children's homes shall be obtained from the Arizona Department of Health Services, Child Day Care Division.
- G. Permit requirements.**
A permit shall be obtained in compliance with Article 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards) and as follows:
1. Up to 10 residents or children permitted: Permitted use.
 2. More than 10 residents or children permitted: Conditional Use Permit required.

14.40.110 - Wireless Communication Towers**A. Purpose.**

This Section provides regulations for the placement, construction, and modification of towers and telecommunications facilities in order to protect the health, safety, and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless communications marketplace in the City. Therefore, the purpose of this Section is:

1. To regulate the location of towers and telecommunication facilities in the City;
2. To protect residential areas and land uses from potential adverse impact of the facilities and towers;
3. To minimize adverse visual impacts of towers through careful design, siting, landscaping, and innovative camouflaging techniques;
4. To promote and encourage shared use/co-location of towers and antenna support structures as a primary option rather than construction of additional single-use towers.
5. To promote and encourage utilization of technological designs that will either eliminate or reduce the need for erection of new tower structures.
6. To avoid potential damage to property caused by a tower by ensuring that the structures are soundly and carefully designed, constructed, modified, maintained, and removed when no longer used or are determined to be structurally unsound.
7. To ensure that towers are compatible with surrounding land uses.

B. Definitions.**Amateur Radio Antenna.**

Antennas used for the noncommercial transmission and/or reception of Amateur (HAM) Radio (CFR Title 47, Part 97) or Citizen Band Radio Service (CFR Title 47, Part 95, Subpart D) by federally licensed amateur radio or citizens band radio operators.

Co-location.

A condition that exists when more than one wireless communication provider mounts equipment (e.g., antennas, dishes, or similar devices) on a single communication tower or antenna support structure.

Communication Tower.

A mast, pole, monopole, guyed tower, lattice tower, freestanding tower, or other similar structure designed and primarily used as an antenna support structure for wireless communication purposes (e.g., cellular, PCS, or other telephone service, paging, and microwave.)

C. Conditional Use Permit required.

All communication towers/facilities shall require the approval of a Conditional Use Permit by the Commission except amateur radio antenna. The application for a Conditional Use Permit shall include the following information:

1. A demonstration through technical documentation that the height of the antenna support structure(s) needs to be greater than that allowed in the subject zoning district in order to provide service and no alternative is technically feasible.
2. A demonstration through technical documentation that a new communication facility is required to provide service and the co-location of facilities on an existing structure is not technically feasible.
3. A demonstration of compliance with this Section.

Failure to demonstrate Subparagraphs 1., 2., and 3., above shall be considered grounds for disapproval of a Conditional Use Permit application.

D. Development standards.**1. Setbacks.**

Communication structures shall meet the setback criteria for the zoning district in which they are proposed. Additionally, the proposed structure shall be located no closer than one time its overall height to any property line, except when located in the public right-of-way or in joint use attachments. The distance shall be measured from the center of the structure's base.

2. Security fence required.

All tower structures shall be protected from unauthorized access by a sight-obscuring, decorative, masonry security screen or wall no less than six feet in height, with a sight-obscuring gate that shall not be constructed of chain link.

3. Collapse range required.

All proposals will be required to include engineer-certified collapse range specifications.

4. Affidavit required.

To eliminate attempts to gain approval of communications towers based on speculation, applicants for proposed communication towers shall provide affidavits for a cellular provider at the time of application submittal.

5. Pre-existing towers and antennas.

Towers or antennas that existed prior to the effective date of this Development Code shall not be required to meet the requirements of this Section, other than the requirements of the FAA and FCC. Existing towers or antennas shall be referred to as "preexisting towers" or "preexisting antennas."

6. Principal or accessory use.

- a. Antennas and towers may be considered either principal or accessory uses, but shall only be considered an accessory use within residential zoning districts. Therefore, no antenna or tower shall be installed within a residential zoning district until a principal structure is first constructed.
- b. An existing principal use or an existing communications structure on the same parcel shall not preclude the installation of a new communications structure on the same parcel.
- c. For purposes of determining whether the installation of an antenna or tower complies with zoning district standards (e.g., lot coverage requirements, setback requirements, and other requirements) the dimensions of the entire parcel shall control even though the antenna or tower may be located on leased parcels within existing lots.
- d. Antennas that are installed and towers that are constructed in compliance with the provisions of this Section shall not be deemed to constitute the expansion of a nonconforming use or structure.
- e. If the proposed antenna will be added to an existing structure, the applicant shall provide an engineer's report that the existing structure is structurally sound and is capable of supporting the additional antenna.

7. Removal of abandoned antennas and towers.

A tower or antenna that is not operated for a continuous period of 90 days shall be considered abandoned and the owner of the antenna or tower shall remove same within 120 days of receipt of a notice of abandonment from the City. If the antenna or tower is not removed within 120 days, the City may remove the antenna or tower at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

ARTICLE 2

Zoning Districts, Allowable Land Uses, and Zone-Specific Standards

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CHAPTER 14.04 - ZONING MAP

Sections:

14.04.010 - Purpose of Chapter

14.04.020 - Zoning Map and Zoning Districts

14.04.010 - Purpose of Chapter

This Chapter establishes the zoning districts applied to property within the City. It also determines how the zoning districts are applied on the Zoning Map. The zoning districts implement the land use classifications established in the Land Use Element of the Lake Havasu General Plan.

14.04.020 - Zoning Map and Zoning Districts

The Council hereby adopts the Lake Havasu City Zoning Map (hereafter referred to as the "Zoning Map"), which is on file with the Department. The Zoning Map is hereby incorporated into this Development Code by reference as though it were fully included here.

A. Zoning Map and Zoning Districts.

Lake Havasu City shall be divided into zoning districts which implement the City's General Plan. The zoning districts listed in Table 2-1 shall be shown on the Zoning Map.

B. Interpretation of zoning district boundaries.

If there is uncertainty about the location of any zoning district boundary shown on the official Zoning Map, the precise location of the boundary shall be determined by the Director.

1. Where district boundaries approximately follow lot, alley, or street lines, the lot lines and street and alley centerlines shall be construed as the district boundaries;
2. If a district boundary divides a lot and the boundary line location is not specified by distances printed on the zoning map, the location of the boundary will be determined by using the scale appearing on the zoning map; and
3. Where a public street or alley is officially vacated or abandoned, the property that was formerly in the street or alley will be included within the zoning district of the adjoining property on either side of the centerline of the vacated or abandoned street or alley.

**TABLE 2-1
ZONING DISTRICTS**

Zoning District Symbol	Zoning District Name	General Plan Land Use Classification Implemented by Zoning District
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Residential Districts

A-1	Light Agricultural	Residential-Low Density
R-A	Rural Agricultural Residential	Residential-Low Density
R-E	Estate Residential	Residential-Low Density
R-1	Single-Family Residential	Residential-Low Density
R-2	Two-Family Residential	Residential-Low Density
R-3	Limited-Multiple Family Residential	Residential-Medium Density
RMH	Mobile Home Residential	Residential-Medium Density; High Density Residential
R-4	Multiple Family Residential	Residential-High Density
R-5	Multiple Family Residential	Residential-High Density

Commercial and Employment Districts

C-N	Neighborhood Commercial	Commercial, Neighborhood
C-1	Limited Commercial	Commercial, General
C-2	General Commercial	Commercial, General
C-O	Professional Office	Commercial, Neighborhood; Commercial, General
C-R	Commercial-Residential	Commercial
M-1-P	Industrial Park	Employment, Planned
M-2	Heavy Manufacturing	Employment, Heavy

Special Purpose Districts

C-P	Conservation/Preservation	Conservation/Preservation
MCV	McCulloch Village	Commercial
MU	Mixed Use	Commercial, Planned Resort and Residential-Medium Density
P-1	Public Lands and Facilities	Public Facilities

Overlay Districts

AP	Airport Overlay	All
BC	Bridgewater Channel Overlay	All
NKC	North Kiowa Commercial Overlay	All
SG	Southgate Commercial Overlay	All
MD	Medical Overlay	Commercial, General

Zoning Map

14.04

CHAPTER 14.06 - REQUIREMENTS FOR LAND USE AND DEVELOPMENT APPROVAL

Sections:

- 14.06.010 - Purpose of Chapter
- 14.06.020 - General Requirements for Development and New Land Uses
- 14.06.030 - Allowable Land Uses and Approval Requirements
- 14.06.040 - Exemptions from Land Use Approval Requirements

14.06.010 - Purpose of Chapter

This Chapter describes the City's requirements for the approval of proposed development and new land uses. Permit requirements for specific land uses are in Chapters 14.08 through 14.14.

14.06.020 - General Requirements for Development and New Land Uses

All land uses and structures shall be established, constructed, reconstructed, altered, or replaced in compliance with the following requirements.

A. Allowable use.

The land use shall be allowed by this Development Code in the zoning district applied to the site. The basis for determining whether a use is allowable is described in Section 14.06.030 (Allowable Land Uses and Approval Requirements).

B. Land use permit and approval requirements.

Any land use permit or other approval required by Section 14.06.030 (Allowable Land Uses and Approval Requirements) shall be obtained before the proposed use is constructed, otherwise established or put into operation, unless the proposed use is listed in Section 14.06.040 (Exemptions from Land Use Permit Requirements).

C. Development standards, conditions of approval.

Land uses and structures shall comply with the development standards of this Chapter, the provisions of Article 3 (Development and Operational Standards), and any applicable conditions imposed by a previously granted land use permit.

D. Legal lot.

The proposed site shall be a lot that was legally created in compliance with State subdivision law and the City's Subdivision Ordinance.

14.06.030 - Allowable Land Uses and Approval Requirements**A. Allowable land uses.**

The uses of land allowed by this Development Code in each zoning district are listed in Tables 2-2, 2-4, and 2-6, together with the type of land use permit required for each use.

1. Uses not listed.

A land use that is not listed in tables or is not shown in a particular zoning district is not allowed, except as otherwise provided Subsection A.2., or Section 14.06.040 (Exemptions from Land Use Approval Requirements).

2. Similar and compatible uses may be allowed.

The Director may determine that a proposed use not listed in this Article is allowable if all of the following findings are made:

- a. The characteristics of, and activities associated with the proposed use are equivalent to one or more of the listed uses, and will not involve a higher level of activity or population density than the uses listed in the district;
- b. The proposed use will be consistent with the purposes of the applicable zoning district; and
- c. The proposed use will be consistent with the General Plan and any applicable Specific Plan.

3. Applicable standards and permit requirements.

When the Director determines that a proposed, but unlisted, use is equivalent to a listed use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required, and what other standards and requirements of this Development Code apply.

4. Board of Adjustment determination.

The Director may forward questions about equivalent uses directly to the Board of Adjustment for a determination at a public meeting.

B. Land use permit requirements.

Tables 2-2, 2-4, and 2-6 provide for land uses that are:

1. Permitted subject to compliance with all applicable provisions of this Development Code, subject to first obtaining a Zoning Clearance (Section 14.44.020). These are shown as "P" uses in the tables;
2. Allowed subject to the approval of a Conditional Use Permit (Section 14.44.050), and shown as "CUP" uses in the tables.

14.06.040 - Exemptions from Land Use Approval Requirements

The land use permit requirements of this Development Code do not apply to the land uses, structures, and activities identified by this Section. These are allowed in all zoning districts subject to compliance with this Section.

A. General requirements for exemption.

The land uses, structures, and activities identified by Subsection B. below are exempt from the land use permit requirements of this Development Code only when:

1. The use, activity or structure is established and operated in compliance with the setback requirements, height limits, and all other applicable standards of this Article (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards) and Article 3 (Development and Operational Standards); and
2. Any permit or approval required by regulations other than this Development Code is obtained (for example, a Building Permit).

B. Exempt activities and uses.

The following are exempt from the land use permit requirements of this Development Code when in compliance with Subsection A. above.

1. Decks, paths and driveways.

Decks, platforms, on-site paths, and driveways that are not required to have a Building Permit or Grading Permit by the Municipal Code.

2. Fences and walls.

See Section 14.30.050 (Fences, Walls, and Hedges). A Building Permit is required for any fence or wall over six feet in height and as otherwise required by the adopted Building Code.

3. Interior remodeling.

Interior alterations that do not increase the number of rooms or the gross floor area within the structure, or a change in the permitted use of the structure, as required by the adopted Building Code.

4. Portable residential accessory structures.

A single portable structure per lot or dwelling unit within a residential zoning district; provided, that:

- a. The structure shall be limited to a manufactured storage shed or other architecturally compatible structure with a floor area of less than 120 square feet, that is exempt from Building Permit requirements in compliance with the Municipal Code and the adopted Building Code; and
- b. This exemption does not include metal rail and ocean freighter cargo containers which are prohibited

5. Repairs and maintenance of buildings/structures.

Ordinary repairs and maintenance, if:

- a. The work does not change the approved land use of the site or structure, or add to, enlarge, or expand the land use and/or structure;
- b. Any exterior repairs employ the same materials and design as the original construction; and
- c. All required Building Permits have been secured.

6. Solar collectors.

The addition of solar collection systems to the roofs or sides of existing structures; provided, that the collectors comply with applicable height limit requirements.

7. Utilities.

The erection, construction, alteration, or maintenance by a public utility or public agency of underground or overhead utilities intended to service existing or nearby approved developments shall be permitted in any zoning district. These include: water; gas; electric; telecommunication; supply or disposal systems; including wires, mains, drains, sewers, pipes, conduits, cables, fire-alarm boxes, police call boxes, traffic signals, hydrants, etc., but not including new transmission lines and structures. Satellite and wireless communications antennas are subject to Section 14.40.090 (Wireless Communications Towers). Where applicable, utilities shall comply with the underground utility requirements of Section 14.30.150 (Underground Utilities).

CHAPTER 14.08 - RESIDENTIAL ZONING DISTRICTS

Sections:

- 14.08.010 - Purpose of Chapter
- 14.08.020 - Purposes of Residential Zoning Districts
- 14.08.030 - Residential District Land Uses and Permit Requirements
- 14.08.040 - Residential District General Development Standards

14.08.010 - Purpose of Chapter

This Chapter lists the uses of land that may be allowed within the residential zoning districts established by Section 14.04.020 (Zoning Map and Zoning Districts). It also determines the type of land use permit and approval required for each use, and provides general site development standards.

14.08.020 - Purposes of Residential Zoning Districts

The residential zoning districts are intended to provide for a variety of housing opportunities through new construction, and maintenance of existing homes and neighborhoods. The purposes of the individual residential zoning districts and the manner in which they are applied are as follows.

A. A-1 (Light Agricultural) District.

The A-1 zoning district applies to parcels of adequate size to accommodate allowed agricultural land uses, to minimize the adverse effects of agricultural activities on adjoining urban development, and to enable the planned, orderly transition from rural to urban land uses consistent with the logical and efficient extension of urban services.

B. R-A (Residential Agricultural) District.

The R-A zoning district applies to areas characterized by or appropriate for large-lot residential development with densities ranging from zero to two dwellings per acre, where proposed development is designed to retain the visual character of the desert landscape, and where semi-rural residential and agricultural uses may be maintained without impairment from urban development of greater intensity.

C. R-E (Estate Residential) District.

The R-E zoning district is applied to areas characterized by or appropriate for single-family residential development with densities ranging from two to four dwellings per acre, and lot sizes of at least 15,000 square feet.

D. R-1 (Single-Family Residential) District.

The R-1 zoning district is applied to areas characterized by or appropriate for neighborhoods of single-family homes, with densities ranging from four to six dwelling units per acre, and lot sizes of at least 10,000 square feet.

E. R-2 (Two-Family Residential) District.

The R-2 zoning district is applied to areas characterized by or appropriate for neighborhoods of two-family dwellings or two one-family dwellings, with densities ranging from four to 10 dwelling units per acre, and lot sizes of at least 7,200 square feet.

F. R-3 (Limited Multiple Family Residential) District.

The R-3 zoning district applies to areas characterized or appropriate for apartments and townhouses, located near community shopping and services, with residential densities ranging from four to 10 dwellings per acre.

G. RMH (Mobile Home Residential) District.

The RMH zoning district is applied to areas characterized by or appropriate for mobile home parks, with densities ranging from four to 10 dwellings per acre.

H. R-4 (Multiple Family Residential) District.

The R-4 zoning district is applied to areas characterized by or appropriate for apartments, townhouses, and condominiums, typically with direct access to arterial streets, located near employment or shopping activity centers. Residential densities may range from 10 to 20 dwelling units per acre.

F. R-5 (Multiple Family Residential) District.

The R-5 zoning district is applied to areas characterized by or appropriate for apartments, townhouses, and condominiums, typically with direct access to arterial streets, located near employment or shopping activity centers. Residential densities may range from 10 to 20 dwelling units per acre.

14.08.030 - Residential Zoning District Land Uses and Permit Requirements

Table 2-2 identifies the uses of land allowed by this Development Code in each residential zoning district, and the land use permit required to establish each use, in compliance with Section 14.06.030 (Allowable Land Uses and Approval Requirements).

Note: where the last column in the tables ("Specific Use Regulations") includes a section number, the regulations in the referenced section apply to the use; however, provisions in other sections of this Development Code may also apply.

14.08.040 - Residential Zoning District General Development Standards

Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Table 2-3, in addition to the applicable development standards (e.g., landscaping, parking and loading, etc.) in Article 3 (Development and Operational Standards).

Residential Zoning Districts

14.08

TABLE 2-2 Allowed Uses and Permit Requirements for Residential Zoning Districts							P Permitted Use (2) CUP Use Permit required (3) — Use not allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE									Specific Use Regulations
	A-1	R-A	R-E	R-1	R-2	R-3	RMH	R-4	R-5	

AGRICULTURE, RESOURCE, & OPEN SPACE USES

Animal keeping	P	P	—	—	—	—	—	—	—	
Community gardens	P	P	—	—	—	P	—	P	P	
Nurseries and greenhouses	P	P	—	—	—	—	—	—	—	

RECREATION, EDUCATION, & ASSEMBLY USES

Community centers (private accessory use only)	—	—	—	—	—	—	P	P	P	
Private residential recreational facilities	—	—	—	—	—	P	P	P	P	
Religious facilities	—	CUP	CUP	CUP	CUP	P	—	P	P	

RESIDENTIAL USES

Accessory dwelling units	P	P	P	P	P	P	—	P	P	14.40.020
Group homes, 5 or fewer clients	P	P	P	P	P	P	—	P	P	14.40.100
Group homes, 6 or more clients	CUP	CUP	CUP	CUP	CUP	CUP	—	CUP	CUP	14.40.100
Guest houses	P	P	P	P	P	—	—	—	—	
Home occupations	P(2)	P(2)	P(2)	P(2)	P(2)	P(2)	P(2)	P(2)	P(2)	14.40.060
Mobile home accessory structures	—	—	—	—	—	—	P	—	—	
Mobile home parks	—	—	—	—	—	—	P	—	—	14.40.070
Mobile home outside of a mobile home park	—	—	—	—	—	—	P	—	—	
Multi-family dwellings	—	—	—	—	—	P	—	P	P	
Residential accessory uses and structures	P	P	P	P	P	P	P	P	P	14.40.030
Rooming and boarding, 5 or fewer clients	—	—	—	—	—	P	—	P	P	
Rooming and boarding, 6 or more clients	—	—	—	—	—	CUP	—	CUP	CUP	
Single-family dwellings	P	P	P	P	P	P	—	P	P	
Two-family dwellings, two single-family dwellings	—	—	—	—	P	P	—	P	P	

SERVICE USES

Cemeteries	P	—	—	—	—	—	—	—	—	
Child/adult day care, 10 or fewer persons	P	P	—	P	P	P	P(4)	P(4)	P(4)	14.40.100
Child/adult day care, over 10 persons	CUP	CUP	—	CUP	CUP	CUP	P(4)	P(4)	P(4)	14.40.100
Residential care facilities for the elderly	CUP	CUP	CUP	CUP	CUP	P	—	P	P	14.40.100

Notes:

- (1) See Article 6 for land use definitions.
- (2) Zoning Clearance required (Section 14.44.020).
- (3) See Section 14.44.050 for Conditional Use Permit processing requirements.
- (4) Allowed as an accessory use only; to be operated by the mobile home park or apartment complex.

**TABLE 2-3
RESIDENTIAL DISTRICT GENERAL DEVELOPMENT STANDARDS**

Development Feature	Requirement by Zoning District									
	A-1	R-A	R-E	R-1	R-2	R-3	RMH	R-4	R-5	
Lot size	Minimum area, width, and depth for lots proposed in new subdivisions.									
	Area	5 acres	1 acre	15,000 sq.ft.	10,000 sq.ft.	12,000 sq.ft.	7,200 sq.ft.			
	Width	60 ft.								
	Depth	120 ft.								
Density	Maximum number of dwelling units per acre in a residential project.									
		1	2 to 4			4 to 10 (1)	4 to 10	4 to 10 (1)		
Setbacks	Minimum setbacks required. See Section 14.30.100 for setback measurement, allowed projections into setbacks, and exceptions to setbacks.									
	Front	50 ft.	50 ft.	25 ft. (2)	25 ft.	20 ft.		10 ft.	15 ft.	20 ft.
	Street side	(3)								
	Sides (interior, each)	10 ft.; 20 ft. on corner lots;	10 ft.; 20 ft. on corner lot; 50 ft. on reverse corner lot	10 ft. (4); 25 ft. on reverse corner lot	5 ft; 25 ft. on reverse corner lot	5 ft.; 10 ft. on corner lots; 20 ft. on reverse corner lot		5 ft.; 10 ft. on corner lots	5 ft.; 10 ft. on corner lots; 15 ft. on reverse corner lot	5 ft.; 10 ft. on corner lots; 20 ft. on reverse corner lot
	Rear	N/A	50 ft.	25 ft. (5)	25 ft.		10 ft.	15 ft.	20 ft.	
			10 ft. on reverse corner lot		5 ft. on reverse corner lot					
Minimum area of Structure	800 sq.ft.	N/A			900 sq.ft.	500 sq.ft.	N/A	400 sq.ft.	500 sq. ft.	
Lot coverage	Maximum percentage of the total lot area that may be covered by structures.									
	N/A		50%		60%					
Height limit	Maximum allowable height of structures. See Section 14.30.070 (Height Measurement) for height measurement requirements.									
	40 ft.	30 ft.		15 ft.				30 ft.		
Landscaping	N/A					As required by Chapter 14.32 (Landscaping).				
Parking	As required by Chapter 14.36 (Parking and Loading).									

Residential Zoning Districts

14.08

Notes:

- (1) Lots of record existing at the time of adoption of this Development Code within the R-3 and R-4 zoning districts need not comply with the density limitations of this table. The actual number of units allowed on these lots shall be determined through compliance with the other requirements of this table (e.g., height limitations, landscaping and parking, lot coverage, and setbacks).
- (2) A 20-foot setback may be permitted on a lot with an average depth of 100 feet or less, or a reverse corner lot with an average width of 75 feet.
- (3) If a garage is to be accessed from a corner lot with a street side setback, the minimum setback for the garage shall be 20 ft., no matter what is identified for the minimum setbacks.
- (4) A lot with an average width of 75 feet or less may have a side yard of 5 feet. A corner lot shall have a 10 foot side setback. A reverse corner lot shall have a street side setback of 25 feet, except if the lot has an average width of 80 feet, the street side setback shall be 20 feet.
- (5) A 20-foot setback is required on a lot with an average depth of 100 feet or less.

Residential Zoning Districts

14.08

CHAPTER 14.10 - COMMERCIAL AND EMPLOYMENT ZONING DISTRICTS

Sections:

14.10.010 - Purpose of Chapter

14.10.020 - Purposes of Commercial and Employment Zoning Districts

14.10.030 - Commercial and Employment District Land Uses and Permit Requirements

14.10.040 - Commercial and Employment District General Development Standards

14.10.010 - Purpose of Chapter

This Chapter lists the uses of land that may be allowed within the commercial and employment zoning districts established by Section 14.04.020 (Zoning Map and Zoning Districts). It also determines the type of land use permit and approval required for each use, and provides general site development standards.

14.10.020 - Purposes of Commercial/Employment Zoning Districts

The commercial and employment zoning districts are intended to provide a range of commercial and employment opportunities within Lake Havasu City. The purposes of the individual commercial and employment zoning districts and the manner in which they are applied are as follows.

A. C-N (Neighborhood Commercial) District.

The CN zoning district is applied to areas characterized by or appropriate for convenience shopping and services either near or within residential neighborhoods. Quality design is particularly important within this district, to ensure compatibility with the neighborhoods that the commercial uses will serve.

B. C-1 (Limited Commercial) District.

The C-1 zoning district is applied to areas characterized by or appropriate for a limited range of commercial with adequate but controlled access to arterial streets.

C. C-2 (General Commercial) District.

The C-2 zoning district is applied to areas characterized by or appropriate for a wide range of commercial with adequate but controlled access to arterial streets.

D. C-O (Professional Office) District.

The C-O zoning district is applied to areas characterized by or appropriate for a limited range of professional offices with adequate but controlled access to arterial streets.

E. C-R (Commercial Residential) District.

The C-R zoning district is applied to areas characterized by or appropriate for a variety of visitor-serving retail, service, and lodging uses.

F. M-1-P (Industrial Park) District.

The M-1-P zoning district is applied to areas characterized by or appropriate for clean industry in a campus-type setting.

G. M-2 (Heavy Manufacturing) District.

The M-2 zoning district is applied to areas characterized by or appropriate for heavy industrial/manufacturing activities.

14.10.030 - Commercial/Employment District Land Uses and Permit Requirements

Table 2-4 identifies the uses of land allowed by this Development Code in the commercial and employment zoning districts, and the land use permit required to establish each use, in compliance with Section 14.06.030 (Allowable Land Uses and Approval Requirements).

Note: where the last column in the tables ("Specific Use Regulations") includes a section number, the regulations in the referenced section apply to the use; however, provisions in other sections of this Development Code may also apply.

14.10.040 - Commercial/Employment District General Development Standards

Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Table 2-5, in addition to the applicable development standards (e.g., landscaping, parking and loading, etc.) in Article 3 (Development and Operational Standards).

TABLE 2-4 Allowed Uses and Permit Requirements for Commercial/Employment Zoning Districts					P Permitted Use (2) CUP Conditional Use Permit required (3) — Use not allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE							Specific Use Regulations
	C-N	C-1	C-2	C-O	C-R	M-1-P	M-2	

MANUFACTURING & PROCESSING USES

Accessory industrial structures	—	—	—	—	—	P	P	
Asphalt and asphalt products	—	—	—	—	—	—	P	
Concrete and cement products	—	—	—	—	—	—	P	
Electronics, equipment, and appliance manufacturing	—	—	—	—	—	P	P	
Food and beverage product manufacturing	—	—	—	—	—	P	P	
Furniture/fixtures manufacturing, cabinet shops	—	—	—	—	—	P	P	
Gypsum product manufacturing	—	—	—	—	—	—	P	
Handcraft industries, small-scale manufacturing	—	—	—	—	—	P	P	
Laundries and dry cleaning plants	—	—	—	—	—	P	P	
Lumber yards	—	—	—	—	—	P	P	
Marine product manufacturing & repair	—	—	—	—	—	P	P	
Metal products fabrication, machine/welding shops	—	—	—	—	—	P	P	
Outdoor industrial activities	—	—	—	—	—	P	P	
Plastics, and rubber product manufacturing	—	—	—	—	—	P	P	
Printing and publishing	—	—	—	—	—	P	—	
Product assembly and/or fabrication	—	—	—	—	—	P	P	
Quarry materials storage and processing	—	—	—	—	—	—	P	
Recycling facilities - Large collection facilities	—	—	—	—	—	P	P	
Recycling facilities - Processing, heavy	—	—	—	—	—	—	P	
Recycling facilities - Processing, light	—	—	—	—	—	P	P	
Recycling facilities - Reverse vending machines	—	—	P	—	—	P	P	
Recycling facilities - Scrap and dismantling yards	—	—	—	—	—	—	P	
Recycling facilities - Small collection facilities	—	—	P	—	—	P	P	
Storage or use of hazardous materials	—	—	—	—	—	—	CUP(3)	
Textiles manufacturing	—	—	—	—	—	P	P	
Warehouses, wholesaling, and distribution	—	—	P	—	—	P	P	

Notes:

- (1) See Article 6 for land use definitions.
- (2) Zoning Clearance required (Section 14.44.020).
- (3) See Section 14.44.050 for Conditional Use Permit processing requirements.

TABLE 2-4 Allowed Uses and Permit Requirements for Commercial/Employment Zoning Districts					P	Permitted Use (2)		
					CUP	Conditional Use Permit required (3)		
					—	Use not allowed		
LAND USE (1)	PERMIT REQUIRED BY ZONE							Specific Use Regulations
	C-N	C-1	C-2	C-O	C-R	M-1-P	M-2	

RECREATION, EDUCATION, & PUBLIC ASSEMBLY USES

Adult entertainment businesses	—	—	—	—	—	CUP(3)	CUP	14.40.040
Clubs, lodges, and private meeting halls	CUP(3)	P	P	—	—	—	—	
Health/fitness facilities	P	P	P	—	P	P	—	
Indoor amusement facilities	P	P	P	—	P	—	—	
Libraries, museums, and galleries	P	P	P	—	P	—	—	
Marinas	—	—	—	—	CUP(3)	—	—	
Night clubs and bars (not a sexually oriented business)	CUP(3)	P	P	—	P	—	—	
Outdoor recreation facilities	—	—	—	—	CUP(3)	—	—	
Recreational vehicle parks	—	—	—	—	CUP(3)	CUP	—	14.40.090
Schools - Specialized education and training	—	—	P	—	—	—	—	
Shooting galleries	—	—	CUP(3)	—	—	P	P	
Studios - Art, dance, martial arts, music, etc.	P	P	P	—	—	—	—	
Theaters and auditoriums	—	P	P	—	—	—	—	

RESIDENTIAL USES

Caretaker quarters	—	—	—	—	—	P	P	14.40.020
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Notes:

- (1) See Article 6 for land use definitions.
- (2) Zoning Clearance required (Section 14.44.020).
- (3) See Section 14.44.050 for Conditional Use Permit processing requirements.

TABLE 2-4 Allowed Uses and Permit Requirements for Commercial/Employment Zoning Districts		P	Permitted Use (2)					
		CUP	Conditional Use Permit required (3)					
		—	Use not allowed					
LAND USE (1)	PERMIT REQUIRED BY ZONE							Specific Use Regulations
	C-N	C-1	C-2	C-O	C-R	M-1-P	M-2	

RETAIL TRADE

Accessory retail uses	P	P	P	P	P	—	—	
Alcoholic beverage sales, off-site	P	P	P	—	—	—	—	
Alcoholic beverage sales, on-site	P	P	P	—	P	—	—	
Art, antique, collectible, and gift stores	P	P	P	P	P	—	—	
Artisan shops	—	P	P	P	—	P	—	
Auto parts sales	—	P	P	—	—	P	—	
Auto sales and rental	—	—	P	—	—	P	—	
Bakeries, retail only	P	P	P	—	P	—	—	
Building material stores	—	—	P	—	—	CUP(3)	—	
Construction/heavy equipment sales and rental	—	—	CUP(3)	—	—	CUP	CUP	
Convenience stores (without motor fuel sales)	P	P	P	—	P(4)	—	—	
Convenience stores (with motor fuel sales)	CUP(3)	P	P	—	CUP(4)	—	—	
Drive-in and drive-through sales	CUP(3)	CUP	CUP	CUP	—	—	—	
Equipment rental	—	—	—	—	—	CUP(3)	P	
Furniture, furnishings, and appliance stores	P	P	P	—	—	P	—	
General retail	P	P	P	P	P(4)	—	—	
Grocery stores	P	P	P	—	P(4)	—	—	
Hardware stores	P	—	P	—	—	CUP(3)	—	
Marine products (e.g., boats) rentals, sales, & storage	—	—	P	—	—	P	—	
Mobile home and RV sales and storage	—	—	CUP(3)	—	—	CUP	—	
Outdoor retail sales and activities	—	—	P(4)	—	—	P(4)	—	
Personal storage facilities (both indoor and outdoor)	—	—	P	—	—	P	P	
Plant nurseries and garden supply stores	—	—	P	—	—	P	—	
Restaurants	P	P	P	P	P	P	—	
Warehouse retail (e.g., "big box" facilities)	—	—	P	—	—	—	—	

Notes:

- (1) See Article 6 for land use definitions.
- (2) Zoning Clearance required (Section 14.44.020).
- (3) See Section 14.44.050 for Conditional Use Permit processing requirements.
- (4) May be allowed as an accessory use only.

Commercial/Employment Zoning Districts

14.10

TABLE 2-4					P	Permitted Use (2)		
Allowed Uses and Permit Requirements					CUP	Conditional Use Permit required (3)		
for Commercial/Employment Zoning Districts					—	Use not allowed		
LAND USE (1)	PERMIT REQUIRED BY ZONE							Specific Use Regulations
	C-N	C-1	C-2	C-O	C-R	M-1-P	M-2	

SERVICES

Auto repair and maintenance	—	—	P	—	—	P	—	
Automated teller machines (ATMs)	P	P	P	P	P	P	—	
Banks and financial services	P	P	P	P	P	P	P	
Business support services	—	P	P	P	P	P	—	
Car wash	—	—	P	—	—	P	—	
Child/adult day care centers	CUP(3)	—	—	—	—	—	—	
Contractor storage yards	—	—	CUP(3)	—	—	P	P	
Gas (motor fuel) stations	CUP(3)	P	P	—	P	P	—	
Hotels and motels	—	—	—	—	P	—	—	
Marine products (e.g., boats) rental, service, & storage	—	—	P	—	CUP(3)	P	P	
Medical - clinics, offices, and laboratories	—	P	P	P	—	P	—	
Medical - extended care	—	—	P	—	—	—	—	
Medical - hospitals	—	P	P	P	—	—	—	
Mortuary, mausoleum	—	—	CUP(3)	—	—	—	—	
Offices	P	P	P	P	P(4)	—	—	
Personal services	P	P	P	P	P	P	P	
Public utility facilities	—	—	P	—	—	P	P	
Research and development (R&D)	—	—	CUP(3)	—	—	P	P	
R&D - Biotechnology, chemical, pharmaceutical	—	—	—	—	—	P	P	
Storage - Indoor	—	—	P	—	—	P	P	
Storage - Outdoor	—	—	CUP(3)	—	—	P	P	
Storage - Outdoor, accessory	—	—	CUP(3)	—	—	P	P	
Upholstering shops	—	—	P	—	—	P	—	
Veterinary clinics, animal hospitals (no boarding)	P	P	P	—	—	P	P	
Veterinary clinic, animal hospital	—	—	CUP(3)	—	—	P	P	

TRANSPORTATION & COMMUNICATIONS USES

Broadcasting studios	—	—	P	—	—	P	P	
Parking facilities/vehicle storage	—	—	P	—	—	P	—	
Telecommunications facilities	CUP(3)	—	CUP	—	—	CUP	CUP	14.40.110
Truck and freight terminals	—	—	—	—	—	P	P	

Notes:

- (1) See Article 6 for land use definitions.
- (2) Zoning Clearance required (Section 14.44.020).
- (3) See Section 14.44.050 for Conditional Use Permit processing requirements.
- (4) May be allowed as an accessory use only.

**TABLE 2-5
COMMERCIAL/EMPLOYMENT DISTRICT GENERAL DEVELOPMENT STANDARDS**

Development Feature	Requirement by Zoning District							
	C-N	C-1	C-2	C-O	C-R	M-1-P	M-2	
Minimum lot area	Minimum area for lots in a new subdivision. Minimum lot width and depth determined through subdivision review and approval process.							
	2,000 sq.ft.							
Setbacks	Minimum setbacks required. See Section 14.30.100 for setback measurement, allowed projections into setbacks, and exceptions to setbacks.							
	Front or street side				None required (1)		50 ft when across a street from to a residential zone, 25 ft elsewhere	50 ft.
	Sides (interior, each)				None required (1)		50 ft when across a street from a residential zone, none required otherwise (2)	10 ft.
	Rear				None required		50 ft adjacent to, or across an alley from a residential zone, none required otherwise (2)(3)	N/A
Lot coverage	Maximum percentage of the total lot area that may be covered by structures.							
	N/A			60%			N/A	
Height limit	Maximum allowable height of structures. See Section 14.30.070 (Height Measurement) for height measurement requirements.							
	25 ft.				30 ft.	30 ft.	50 ft.	
Landscaping	As required by Chapter 14.32 (Landscaping)							
Parking	As required by Chapter 14.36 (Parking and Loading)							

Notes:

- (1) See Chapter 14.32 (Landscaping) regarding the 10-foot area requirement for buffering and landscaping.
- (2) The required setback may be used for parking; provided, that screening landscaping shall be installed and maintained, together with a six-foot-high sight obscuring fence adjacent to the property line.
- (3) When the site is across an alley from a residential zone, the required setback may be used for parking or storage.

Commercial/Employment Zoning Districts

14.10

CHAPTER 14.12 - SPECIAL PURPOSE ZONING DISTRICTS

Sections:

- 14.12.010 - Purpose of Chapter
- 14.12.020 - Purposes of Special Purpose Zoning Districts
- 14.12.030 - Special Purpose District Land Uses and Permit Requirements
- 14.12.040 - Special Purpose District General Development Standards

14.12.010 - Purpose of Chapter

This Chapter lists the uses of land that may be allowed within the special purpose zoning districts established by Section 14.04.020 (Zoning Map and Zoning Districts). It also determines the type of land use permit and approval required for each use, and provides general site development standards.

14.12.020 - Purposes of Special Purpose Zoning Districts

The purposes of the individual special purpose zoning districts and the manner in which they are applied are as follows.

A. C-P (Conservation/Preservation) District.

The C-P zoning district is applied to areas with special environmental characteristics, including washes and parks, that may also be distant from the developed core of the City, at its developing fringe.

B. MCV (McCulloch Village) District.

The MCV zoning district is applied to the commercial areas delineated along and adjacent to lots on McCulloch Boulevard. Typical land uses include small-scale and large-scale general commercial, and pedestrian-oriented uses including entertainment, restaurants and retail shopping. Residential uses may be allowed on upper floors.

C. MU (Mixed Use) District.

The MU zoning district is applied to areas appropriate for a mixture of retail, office, and service uses, integrated with residential uses on upper floors on the same site. A site within this zoning district may be developed with a mixed use project, or with an exclusively commercial project, but not with an exclusively residential project. Net residential densities within a mixed use project may range from 30 to 40 dwelling units per acre.

D. P-1 (Public Lands and Facilities) District.

The P-1 zoning district is applied to publicly-owned sites that are used or intended for City facilities, schools, parks and recreation, and other public facilities.

14.12.030 - Special Purpose District Land Uses and Permit Requirements

Table 2-6 identifies the uses of land allowed by this Development Code in each special purpose zoning district, and the land use permit required to establish each use, in compliance with Section 14.06.030 (Allowable Land Uses and Approval Requirements).

Note: where the last column in the tables ("Specific Use Regulations") includes a section number, the regulations in the referenced section apply to the use; however, provisions in other sections of this Development Code may also apply.

Special Purpose Zoning Districts

14.12

TABLE 2-6 Allowed Uses and Permit Requirements for Special Purpose Zoning Districts		P	Permitted Use (2)			
		CUP	Use Permit required (3)			
		—	Use not allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations	
	C-P	MCV	MU	P-1		

AGRICULTURE & OPEN SPACE USES

Hiking trails	P	—	P	P	
Nature preserves	P	—	P	P	

MANUFACTURING & PROCESSING USES

Research and development (R&D)	—	CUP(3)	—	—	
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RECREATION, EDUCATION, & PUBLIC ASSEMBLY USES

Community centers (public only)	—	—	—	P	
Golf courses, private	CUP(3)	—	P	—	
Golf courses, public	CUP(3)	—	P	P	
Health/fitness facilities	—	P	P	—	
Indoor amusement/entertainment facilities	—	P	P	—	
Libraries, museums, and galleries	—	P	P	P	
Outdoor recreation facilities	CUP(3)	—	P	P	
Parks and playgrounds (see definitions)	CUP(3)	P	P	P	
Recreational vehicle parks	—	—	—	—	14.40.090
Religious facilities	—	—	—	—	
Schools - colleges and universities	—	—	—	P	
Schools - elementary and secondary	—	—	—	P	
Schools - specialized education and training	—	—	—	—	
Studios - art, dance, martial arts, music, etc.	—	P	P	—	
Theaters and auditoriums	—	P	P	CUP(4)	

RESIDENTIAL USES

Accessory dwelling unit	—	—	P	—	14.40.020
Home occupations	—	—	P	—	14.40.060
Live/work projects	—	CUP(3)	P	—	
Multi-family dwellings	—	P(5)	P	—	
Residential accessory uses and structures	—	—	P	—	14.40.030

Notes:

- (1) See Article 6 for land use definitions.
- (2) Zoning Clearance required (Section 14.44.020).
- (3) See Section 14.44.050 for Conditional Use Permit processing requirements.
- (4) Public use only.
- (5) Use allowed only when located above first floor.

Special Purpose Zoning Districts

14.12

TABLE 2-6 Allowed Uses and Permit Requirements for Special Purpose Zoning Districts		P	Permitted Use (2)		
		CUP	Use Permit required (3)		
		—	Use not allowed		
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	C-P	MCV	MU	P-1	

RETAIL TRADE

Alcohol sales, off-site	—	P	P	—	
Art, antiques, collectible, and gift stores	—	P	P	—	
Bakeries	—	P	P	—	
Convenience stores (without motor fuel sales)	—	P	P	—	
Drug stores	—	P	P	—	
General retail	—	P	P	—	
Grocery stores	—	P	P	—	
Hardware stores (without outdoor storage)	—	P	P	—	
Restaurants	—	P	P	P	

SERVICES

Automated teller machines (ATMs)	—	P	P	P	
Banks and financial institutions	—	P	P	—	
Business support services	—	P	P	P	
Car rental services	—	CUP(3)	CUP	CUP	
Child/adult day care	—	P	P	P	
Conference facilities	—	P	P	P	
Dry cleaners	—	P	P	—	
Hotels and motels	—	P	P	—	
Medical - hospitals	—	—	—	—	
Offices (only above the first floor in the MCV)	—	P	P	P	
Personal services	—	P	P	—	
Pet stores	—	P	P	—	
Public utility or safety facilities (e.g., fire, police)	—	—	—	P	
Veterinary clinics, animal hospitals (no boarding)	—	P	P	—	
Veterinary clinic, hospital, and kennel (with boarding)	—	—	—	—	

TRANSPORTATION AND COMMUNICATIONS USES

Airport and support services	—	—	—	P	
Parking facilities	—	P	P	P	
Telecommunications facilities	—	—	CUP(3)	CUP	14.40.110

Notes:

- (1) See Article 6 for land use definitions.
- (2) Zoning Clearance required (Section 14.44.020).
- (3) See Section 14.44.050 for Conditional Conditional Use Permit processing requirements.

14.12.040 - Special Purpose District General Development Standards

Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Table 2-10, in addition to any other applicable requirements of this Chapter, and the development standards (e.g., landscaping, parking and loading, etc.) in Article 3 (Development and Operational Standards).

**TABLE 2-10
SPECIAL PURPOSE DISTRICT GENERAL DEVELOPMENT STANDARDS**

	Requirement by Zoning District				
Development Feature	C-P	MCV	MU	P-1	
Minimum lot area	Minimum area for lots in a new subdivision. Minimum lot width and depth determined through subdivision review and approval process.				
	2,000 sq.ft.		Determined by PD approval	2,000 sq.ft.	
Density	Maximum number of dwelling units per acre in mixed use project.				
	N/A	30		N/A	
Setbacks required	Minimum setbacks required. See Section 14.30.100 for setback measurement, allowed projections into setbacks, and exceptions to setbacks.				
	Front or street side	50 ft.	None required (1)	Determined by PD approval	25 ft.
	Side (interior, each)	10 ft.; 20 ft. on corner lot	None required		10 ft.; 25 ft. on reverse corner lots
	Rear	50 ft.	None required		25 ft.; 10 ft. on reverse corner lots
Height limit	Maximum allowable height of structures. See Section 14.30.070 (Height Measurement) for height measurement requirements.				
	30 ft.	30 ft.	30 ft.		
Landscaping	As required by Chapter 14.32 (Landscaping)				
Parking and loading	As required by Chapter 14.36 (Parking and Loading)				

Notes:

- (1) No front setback allowed between Smoketree and Acoma Streets along McCulloch Boulevard.

CHAPTER 14.14 - OVERLAY ZONING DISTRICTS

Sections:

- 14.14.010 - Purpose of Chapter
- 14.14.020 - Applicability of Overlay Zoning District
- 14.14.030 - Airport (AP) Overlay District
- 14.14.040 - Bridgewater Channel (BC) Overlay District
- 14.14.050 - North Kiowa Commercial (NKC) Overlay District
- 14.14.060 - Southgate Commercial (SG) Overlay District

14.14.010 - Purpose of Chapter

This Chapter regulates new and existing structures and land uses in the overlay zoning district established by Section 14.04.020 (Zoning Map and Zoning Districts). The provisions of this Chapter provide guidance for development in addition to the standards and regulations of the primary zoning district, where important site, environmental, safety, compatibility, or design issues require particular attention in project planning.

14.14.020 - Applicability of Overlay Zoning Districts

The provisions of this Chapter apply to proposed land uses and development in addition to all other applicable requirements of this Development Code. Any perceived conflict between the provisions of this Chapter and any other provision of this Development Code shall be resolved in compliance with Chapter 14.02 (Interpretation of Development Code Provisions).

A. Mapping of overlay districts.

The applicability of any overlay zoning district to a specific site is shown by the overlay Zoning Map symbol established by Section 14.04.020 (Zoning Map and Zoning Districts), being appended as a suffix to the symbol for the primary zoning district on the Zoning Map. The overlay districts are applied to property through the rezoning process (Chapter 14.56).

B. Allowed land uses, permit requirements, development standards.

Except as may be otherwise provided by this Chapter for a specific overlay district:

1. Any land use normally allowed in the primary zoning district by this Article may be allowed within an overlay district, subject to any additional requirements of the overlay district;
2. Development and new land uses within an overlay district shall obtain the zoning approvals required by this Article for the primary zoning district; and

3. Development and new land uses within an overlay district shall comply with all applicable development standards of the primary zoning district, all other applicable provisions of this Development Code (e.g., Article 3 - Development and Operational Standards).

14.14.030 -Airport (AP) Overlay District

A. Purpose.

The Airport (AP) overlay zoning district is intended to be used together with the primary zoning districts. In cases of conflict between standards of the underlying zoning district and standards of the airport overlay district, the standards of the airport overlay district shall apply.

B. Definitions.

Definitions of the technical terms and phrases used in this Section are in Article 6 (Development Code Glossary), under "Airport Overlay Zoning District."

C. Airport zones.

In order to carry out the provisions of this Section, there are created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to Lake Havasu City Municipal Airport. These zones are shown on the *Lake Havasu City Municipal Airport Approach Plan and Zoning Map* consisting of one sheet, prepared as part of the Lake Havasu City Municipal Airport Master Plan, dated January, 1986, which is hereby incorporated into this Section by reference as though it were fully set forth here. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are established and defined as follows:

1. Utility Runway Visual Approach Zone.

The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

2. Utility Runway Nonprecision Instrument Approach Zone.

The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

3. Runway larger than utility with a visibility minimum greater than three-quarter mile nonprecision instrument approach zone.

The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

4. Runway larger than utility with a visibility minimum as low as three-quarter mile nonprecision instrument approach zone-precision runway.

The inner-edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

5. Precision instrument runway approach zone.

The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

6. Transitional zones.

The transitional zones are the areas beneath the transitional surfaces.

7. Horizontal zone.

The horizontal zone is established by swinging arcs of 5,000 feet radii for all runway designated utility or visual and 10,000 feet for all others from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

8. Conical zone.

The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.

D. Airport zone height limitations.

1. Established.

Except as otherwise provided in this Section, no structure shall be erected, altered or maintained, and no tree shall be allowed to grow in any zone created by this Section, to a height in excess of the applicable height established in this Section for the zone. Height limitations are established for each of the zones in question as follows:

a. Utility runway visual approach zone.

Slopes 20 feet outward for each foot upward, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

b. Runway larger than utility with a visibility minimum greater than three-quarter mile nonprecision instrument approach zone.

Slopes 34 feet outward for each foot upward, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

c. Runway larger than utility with visibility minimum greater than three-quarter mile nonprecision instrument approach zone-precision runway.

Slopes 34 feet outward for each foot upward, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

d. Precision instrument runway approach zone.

Slopes 50 feet outward for each foot upward, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward 40 feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.

e. Transitional zones.

Slopes seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation. In addition to the foregoing, there are established height limits sloping seven feet outward for each foot upward, beginning at the sides of and the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven feet outward for each foot upward, beginning at the sides of and the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90-degree angles to the extended runway centerline.

f. Horizontal zone.

Established at 150 feet above the airport elevation or at a height of 933 feet above mean sea level.

g. Conical zone.

Slopes 20 feet outward for each foot upward, beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 150 feet above the airport elevation.

2. Excepted height limitations.

Nothing in this Section shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to fifty feet above the surface of the land.

E. Use restriction.

Notwithstanding any other provisions of this Section, no use may be made of land or water within any zone established by this Section in a manner so as to create electrical interference with navigational signals, or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.

F. Nonconforming uses.**1. Regulations not retroactive.**

The regulations prescribed in this Section shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of the ordinance codified in this Section, or otherwise interfere with the continuance of a nonconforming use. Nothing contained in this Section shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of the ordinance codified in this Section and is diligently prosecuted.

2. Marking and lighting.

Notwithstanding the provisions of Subsection A., the owner of any existing nonconforming structure or tree is required to install, operate, and maintain thereon appropriate markers and lights as shall be deemed necessary by the Public Works Director to indicate to the operators of aircraft in the vicinity of the airport the presence of the airport obstruction.

G. Permits.**1. Future uses.**

Except as specifically provided in Subparagraphs G.1.a, G.1.b, and G.1.c, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone created by this Section unless a permit therefor has been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations prescribed in this Section. If the determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Section shall be granted unless a Variance has been approved in compliance with Subsection G.4.

- a. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 50 feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features (e.g., structure or tree) would extend above the height limits prescribed for the zones.
- b. In areas lying within the limits of the approach zones but at a horizontal distance of not less than 5,000 feet from each end of the runway, no permit shall be required for any tree or structure less than 30 feet of vertical height above the ground except when the tree or structure would extend above the height limit prescribed for the approach zones.
- c. In the area lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than 50 feet of vertical height above the ground, except when the tree or structure, because of terrain, land contour or topographic features, would extend above the height limit prescribed for the transition zones. Nothing in any of the foregoing exceptions shall

be construed as permitting or intending to permit any construction or alteration of any structure, or growth of any tree, in excess of any of the height limits established by this Section, except as set forth in Subsection G.4.

2. Existing uses.

No permit shall be granted that would allow the establishment or creation of any obstruction or permit a nonconforming use, structure or tree to become a greater hazard to air navigation than it was on the effective date of the ordinance codified in this Section or any amendments thereto, or than it is when the application for a permit is made. Except as indicated, all applications for these permits shall be granted.

3. Nonconforming uses abandoned or destroyed.

Whenever the City Manager determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated or decayed, no permit shall be granted that would allow the structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

4. Variances.

Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property not in compliance with the requirements of this Section, may apply to the Board of Adjustment (BOA) for a Variance from the regulations. The application for Variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. These Variances shall be allowed where the review authority finds that a literal application or enforcement of the regulations will result in unnecessary hardship and the relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justices, and will be in compliance with the spirit of this Section. Additionally, no application for a Variance to this Section may be considered by the Board of Adjustment unless a copy of the application has been furnished to the Public Works Director for advice as to the aeronautical effects of the Variance. If the Public Works Director does not respond to the application within 15 days after receipt, the Board of Adjustment may act on its own to grant or deny the application. The applicant shall notify the FAA prior to the construction of a structure requiring a Variance under this Subsection.

H. Obstruction marking and lighting.

Any permit or Variance granted may, if the action is deemed advisable to effectuate the purposes of this Section and to be reasonable in the circumstances, be conditioned to require the owner of the structure or tree in question to install, operate and maintain, at the owners expense, markings and lights as may be necessary. If deemed proper by the Board of Adjustment, this condition may be modified to require the owner to permit the City, at its own expense, to install, operate and maintain the necessary markings and lights.

14.14.040 -Bridgewater Channel (BC) Overlay District**A. Purpose.**

The purpose of the Bridgewater Channel (BC) Overlay district is to regulate commercial uses and development in the Bridgewater Channel, including shoreline and on-water uses. This district is intended to maintain the unique scenic, historic and recreational resources of the area, and to encourage excellence in building design and compatibility with surrounding land uses. It is also the purpose of the BC overlay district to protect the safety and welfare of on-water lake users in the BC overlay area, while providing public access to this resource.

B. Applicability.

The BC overlay district applies to the shoreline area adjacent to the Bridgewater Channel and up to 35 feet inland from the channel seawall or the high water mark, within the Lake Havasu City limits. The district is specifically located and described as: the water surface area of the waterway known as Bridgewater Channel extending north and south to the Lake Havasu City Limits and land area along its shoreline extending from an elevation of 450 inland to a distance of 35 feet, except that land area inland from an elevation of 450 feet abutting a residential zoning district.

C. Procedures.

The BC overlay district permit procedures are in addition to the procedures required of the underlying zoning district. A Conditional Use Permit is required for any new or expanded land use or development in the BC overlay district.

D. Subzones.

Two subzones are within the BC overlay district area: the Lakezone and the Shorezone. Each subzone has unique land uses and development standards as follows.

1. Lakezone.

The Lakezone is intended to accommodate water-dependent land uses which are supportive of principle uses on adjacent riparian lots, and that are consistent with the Bridgewater Channel overlay district.

a. Uses permitted with a Conditional Use Permit.

The following land uses may be allowed with Conditional Use Permit approval.

- (1) Docks for boat mooring;
- (2) Navigational buoys and structures as approved by the U.S. Coast Guard and Lake Havasu City police department;
- (3) Accessory structures including boat ramps, piers, and retaining walls; and
- (4) Filling and dredging.

b. Prohibited uses.

Watercraft fueling and repair facilities, and all uses not listed as allowable in Subsection D.1.a.

c. Standards.

- (1) All structures shall be setback 50 feet from the vertical face of London Bridge, and 35 feet from projecting bridge supports.
- (2) Floating docks shall be constructed from all-weather durable materials and maintained in a safe condition.
- (3) Docks and other platforms shall be attached to pilings in compliance with the adopted Building Code.
- (4) Storage containers or other structures shall conform to and be compatible with the color and design of surrounding structures.

2. Shorezone.

The shorezone is intended to accommodate water-front uses and structures that provide public access to the Bridgewater Channel. It is intended as a pedestrian corridor with landscaped areas and accessory structures, to enhance the visual quality of the BC overlay district area.

a. Uses permitted with a Conditional Use Permit.

- (1) Accessory water-related uses and structures;
- (2) Primary structures permitted in the underlying zoning district.

b. Standards.

- (1) All structures, including fences, shall be compatible with surrounding area and constructed from materials that can endure the desert environment.
- (2) Solid waste storage facilities shall be screened with plants, walls, or gates.
- (3) Pedestrian corridor areas shall include provision of shaded areas and linkages to building entrances.
- (4) Outdoor lighting shall be provided, and shall be compatible with the surrounding area.
- (5) Benches shall be provided along pedestrian corridors.

E. Findings required.

Approval of a new or expanded land use or development in the BC overlay district shall require the following findings, in addition to those required for the approval of a Conditional Use Permit by Section 14.44.050:

1. The use or structure will not adversely affect safe navigation in the channel;
2. The use or structure will maintain or enhance the distinctive old world charm and visual appeal of the London Bridge and Bridgewater Channel area;
3. Public access to the shoreline will be preserved and/or enhanced;
4. No significant adverse environmental effects will result from the use or structure or identified adverse effects have been adequately addressed by the applicant;
5. There are adequate on-site parking and access facilities for the use; and
6. The use or structure complies with the applicable development standards of the underlying zoning district, channel land use policies, and General Plan.

14.14.050 -North Kiowa Commercial (NKC) Overlay District**A. Purpose.**

1. The purpose of this Section is to regulate commercial development along North Kiowa Boulevard between Catalina Drive and Havasupai Boulevard, referred to in this Development Code as the North Kiowa Commercial Overlay District, in order to protect the public interest in achieving distinctive and internally consistent architectural and site design elements. The North Kiowa corridor presents special development opportunities and constraints related to its association with the industrially zoned Central Business Park and its relationship with the surrounding residential development.
2. The overlay district standards are designed to encourage compatible uses and architectural design, and provide master parking-in-common plans for the commercial blocks. New structures shall be allowed to be centrally located on each lot to allow more parking flexibility in the front and rear portions of the site.
3. The guidelines and standards in this Section are designed to ensure the master planning of parking-in-common areas to achieve a unified design treatment, to increase the buildable area, to allow for designated outdoor display or storage, and to provide a uniform street landscaping theme.
4. The intent of the district is to provide development flexibility with regards to outdoor uses and a mechanism which will encourage the development of an identity for the area by regulating site and architectural appearance through design guidelines.

5. The development and use standards contained in this Section are designed to implement the land use policies of the General Plan.

B. Relationship to underlying base zoning district standards.

1. The provisions of the North Kiowa Commercial Overlay District standards are intended to combine with the provisions of the underlying base zoning districts.
2. In cases of conflict between standards of the underlying base zoning district and the standards of the North Kiowa Commercial Overlay District, the development and use standards of the North Kiowa Commercial Overlay District shall apply.

C. North Kiowa Commercial Overlay District General Development Plan.

Rezoning of property to the North Kiowa Commercial Overlay District shall include the adoption of a General Development Plan conforming to the standards and guidelines in this Section and applicable standards of the underlying base zoning district and shall serve as a guide to further development within the overlay district.

D. Design standards.

1. General requirements.

Site and architectural design shall comply with the applicable provisions of Section 14.30.030 (Architectural Design Standards), unless otherwise noted within this Section.

2. Building design.

- a. All building frontages on a public street, excluding alleys, shall be constructed of painted or decorative masonry or stucco, and shall include a pedestrian path connecting the front of the structure to North Kiowa Blvd.
- b. The development shall contain a pedestrian sidewalk along the entire length of the front portion of the structure, adjacent to the business entrance.
- c. The pedestrian sidewalk identified in Subparagraph b., above shall be covered by a projecting canopy mounted to the structure's wall.
- d. Structures shall not conflict with the adopted master parking-in-common plan.

3. Screening of vehicle parking and maneuvering areas.

- a. The vehicle parking and maneuvering areas shall be screened from the adjoining right-of-way with a three-foot high stucco masonry wall to match the designated color of the block or be compatible in color with adjoining walls in the block area.
- b. The screen wall may be located on the front property line or be within the 10-foot buffer area inside of the property line and shall stagger from lot to lot.

4. Screening of outdoor uses.

- a. Outdoor storage and display areas shall be designated with a perimeter masonry screen wall architecturally compatible with the primary structure.
- b. The perimeter screen wall shall be six feet in height and be completely sight obscuring where the outdoor use abuts single- or multi-family residential zoning districts.
- c. Materials may be stored to a maximum height of six feet.
- d. Fencing materials (e.g., chain link or wrought iron) may not be used, except for gates and loading areas which shall be sight obscured to include plastic lath or netting and be a compatible color to adjacent screen walls.

E. Allowed uses.

In addition to the uses allowed by the underlying C-1 zoning district the following uses may be allowed; provided, the proposed use is sited in compliance with the design standards contained in this Section.

- 1. Accessory warehouse uses conducted entirely within an enclosed structure, but requiring some outdoor storage.
- 2. Accessory outdoor uses in compliance with the following conditions.
 - a. The outdoor use shall be limited to storage materials or supplies directly related to the business use and shall be accessory and subordinate to the primary use on the property. The area of the outdoor use shall not exceed the area of the primary structure. General storage not related to the primary use and stand alone storage without a primary structure shall not be allowed.
 - b. The area designated for accessory outdoor storage uses shall be located to the rear or side of the primary structure. No outdoor storage shall be located within the area designated as parking-in-common or in front of the structure.
 - c. The accessory outdoor use shall be screened in compliance with Subsection 14.30.030 C. (Screening).
- 3. Upholstery.

F. Prohibited uses.

The following uses and materials shall be prohibited in the North Kiowa Commercial Overlay District :

- 1. Chain link fencing in the front elevation or facing Kiowa Boulevard.

2. Exposed metal panel systems for the exterior of the front elevation of the primary structures facing Kiowa Boulevard.
3. Manufacturing.
4. Stand alone outdoor storage uses.
5. Repair garages.

G. Legal nonconforming uses and structures.

1. Nonconforming uses and structures legally existing on or before the effective date of this Section may continue; provided, that when the uses or structures are modified by 50 percent or more in area, value, or use, the uses and structures shall be brought into compliance with the provisions of this Section.
2. Nonconforming uses and structures existing on or before the effective date of this Section which were not established consistent with applicable law shall come into compliance with provisions of this Section within 18 months of adoption of this Section.

H. Master parking-in-common plan.

1. Vehicle parking and maneuvering areas.

Parking design and layout shall be consistent with an approved typical master parking-in-common plan and approved General Development Plan. Each lot shall be in compliance with the following requirements.

a. Grading.

Grading activity shall not adversely affect existing topography of the adjoining properties, and shall maintain the existing slope or gradient of the entire block in a manner which ensures the continuance of the parking-in-common across the entire block. No retaining walls should be allowed in the parking-in-common area.

b. Paving.

Paving shall match and be consistent with the topographical elevations of any abutting paving on adjoining lots. Paving design shall include two inches of asphaltic concrete over six inches of aggregate base course.

c. Paint striping.

Interim parking striping may be allowed until the block becomes 60 percent developed or as determined by the Director to implement striping and layout in compliance with the approved master parking-in-common plan.

d. Driveways.

Temporary driveways may be allowed on an interim basis, but shall be removed and standard off-site improvements installed by the owner when the block becomes 60 percent developed or as determined by the Director to provide common driveways to the parking-in-common areas in compliance with the approved master parking-in-common plan.

e. Trash enclosures.

Trash bins shall be screened by means of a five-foot high masonry wall on three sides and be located in the rear parking area behind the structure and conform to the adopted General Development Plan and general City standards.

2. Landscaping.

Landscaping shall be in compliance with the following guidelines.

a. Streetscape.

Streetscape design and materials shall be in compliance with the streetscape design guidelines.

b. Building landscape.

Special planting areas associated with the building (e.g., accents and entryways) may include any of the plant materials identified on the City's approved list and available at the Department.

c. Ground cover.

All planting areas including the area of the public right-of-way shall be graded, prepared with pre-emergent, and finished in compliance with the established guidelines.

d. Site landscape irrigation.

Irrigation of landscaping at the building or parking areas shall be provided by the private domestic water system. One half-inch bubbler shall be installed at each plant material and emitters shall not be allowed.

I. Master grading plan.

1. Pending the adoption of a master grading plan, each lot shall be graded in a manner not to impede the implementation of any adopted master grading plan over the entire block by maintaining existing gradient across lots.
2. The grading plan shall clearly indicate the maximum grades and pad heights.

J. Signs.

1. General requirements.

Signs shall comply with the provisions of Chapter 14.38 (Signs) unless otherwise noted in this Section.

2. Project signs.

- a. Each block within the North Kiowa Commercial Overlay District shall be entitled to one project sign identifying the block as a commercial center located at each driveway entry to the master parking-in-common areas.
- b. The project sign shall be a monument-type sign limited to 50 square feet in area, including the base.

3. Wall signs.

- a. In addition to the wall sign area allowed for each parcel in Chapter 14.38 (Signs) an additional 30-square foot sign of consistent design and lettering shall be allowed on the parking area screen wall facing the right-of-way.
- b. No wall signs shall be allowed facing any abutting residential zoning district except for identification only, not to exceed six square feet in area.

K. Parking lot lighting.

- 1. Parking area lighting shall be serviced from underground utilities.
- 2. Light poles are allowed subject to a height limit of 20 feet.
- 3. Light emissions may not spread onto adjacent properties in compliance with Section 14.30.040 (Exterior Lighting).
- 4. The lighting fixtures shall be located only in landscape areas and may not be installed in the open paving of the parking lot.
- 5. One area lighting fixture shall be installed for each lot in the required landscape area as designated on the typical parking-in-common plan.

14.14.060 - Southgate Commercial (SG) Overlay District**A. Purpose.**

- 1. The purpose of this Section is to regulate commercial development along Highway 95 between Acoma Boulevard and McCulloch Boulevard, referred to in this Development Code as the Southgate Commercial Overlay District, in order to protect the public interest in achieving distinctive and internally consistent architectural and site design elements. The Southgate corridor presents special development opportunities and constraints related to its high visibility as the southerly entrance to the City.
- 2. The overlay district standards are designed to encourage compatible uses and architectural design, and provide master parking-in-common plans for the commercial blocks.

3. The guidelines and standards in this Section are designed to ensure the master planning of the parking-in-common areas to achieve a unified design treatment, to increase the buildable area, to allow for designated outdoor display, and to provide a uniform street landscaping theme.
4. The intent of the district is to provide a mechanism which will encourage the development of an identity for the area by regulating site and architectural appearance through design guidelines.
5. The development and use standards contained in this Section are designed to implement the land use policies of the General Plan.

B. Relationship to underlying base zoning district standards.

1. The provisions of the Southgate Commercial Overlay District standards are intended to combine with the provisions of the underlying base zoning districts.
2. In cases of conflict between standards of the underlying base zoning district and the standards of the Southgate Commercial Overlay District, the development and use standards of the Southgate Commercial Overlay District shall apply.

C. Southgate Overlay District general development plan.

Rezoning of property to the Southgate Commercial Overlay District shall include the adoption of a general development plan conforming to the standards and guidelines in this Section and applicable standards of the underlying base zoning district, and shall serve as a guide to further development within the district

D. Design standards.

1. General requirements.

Site and architectural design shall comply with the applicable provisions of Section 14.30.030 (Architectural Design Standards), unless otherwise noted within this Section.

2. Building design.

All building frontages on a public street, excluding alleys, shall be constructed of painted or decorative masonry or stucco, and shall include a covered pedestrian element.

3. Screening of vehicle parking and maneuvering areas.

- a. All vehicle parking and maneuvering areas shall be screened from the adjoining right-of-way with a four-foot high stuccoed masonry wall to match the block designated color or compatible in color with the adjoining walls in the block.
- b. The screen wall may be located on the property line, or 10 feet inside of the property line, and shall stagger from lot to lot.

4. Screening of outdoor uses.

- a. Outdoor uses and display areas shall be delineated with a perimeter screen wall compatible with the primary structure.
- b. The perimeter screen wall shall be six feet in height and may be up to 40 percent open to view from the parking-in-common or pedestrian areas, but shall be completely sight obscuring where the outdoor use abuts single- or multi-family zoning districts, excluding gates or loading areas.
- c. Materials may be stored to a maximum height of six feet.

E. Allowed uses.

In addition to the uses allowed by the underlying base zoning district, the following uses may be allowed; provided, the proposed use is sited in compliance with the design standards contained in this Section.

- 1. Accessory outdoor uses in compliance with the following conditions.
 - a. The outdoor use shall be limited to the display of retail merchandise and be accessory and subordinate to the primary use on the property (e.g., occupying an area of less than 50 percent of the primary building area).
 - b. The area designated for accessory outdoor storage uses shall be located to the rear or side of the primary structure. No outdoor storage shall be located within the area designated as parking-in-common.
 - c. The accessory outdoor use shall be screened in compliance with Subsection 14.30.030 C. (Screening).
- 2. Encroachment of covered structures into designated parking-in-common areas may be allowed only in compliance with the following conditions.
 - a. The area of encroachment is limited to the area designated on the adopted master parking-in-common plan for the Southgate Commercial Overlay District.
 - b. The encroachment includes the implementation of the pedestrian element included within the adopted master parking-in-common plan for the Southgate Commercial Overlay District.

F. Prohibited uses.

The following uses shall be prohibited in the Southgate Commercial Overlay District.

- 1. Chain link fencing in the front elevation or facing the Highway 95 right-of-way.
- 2. Exposed metal panel system for the exterior of the front elevation of the primary structures facing the Highway 95 right-of-way.

3. Stand alone outdoor storage uses.

G. Legal nonconforming uses and structures.

1. Nonconforming uses and structures legally existing on or before the effective date of this Section may continue; provided, that when the uses or structures are modified, the uses and structures shall be brought into compliance with the provisions of this Section.
2. Nonconforming uses and structures existing on or before the effective date of this Section which were not established consistent with applicable law shall come into compliance with provisions of this Section within 18 months of adoption of this Section.

H. Master parking-in-common plan.

1. Vehicle parking and maneuvering areas.

Implementation of the adopted master parking-in-common plan on each lot shall be in compliance with the following requirements.

a. Grading.

Grading activity shall not adversely affect existing topography of the adjoining properties, and shall maintain the existing slope or gradient of the entire block.

b. Paving.

Paving shall match and be consistent with the topographical elevations of any abutting paving on adjoining lots. Paving design shall include two inches of asphaltic concrete over six inches of aggregate base course.

c. Paint striping.

Interim parking striping may be allowed until the block becomes sufficiently developed to implement striping and layout in compliance with the approved master parking-in-common plan.

d. Driveways.

Temporary driveways may be allowed on an interim basis, but shall be removed and standard off-site improvements installed by the owner when the block is sufficiently developed to provide common driveways to the parking-in-common areas in compliance with the approved master parking-in-common plan.

2. Landscaping.

Landscaping shall be in compliance with the following guidelines.

a. Streetscape.

Streetscape design and materials shall be in compliance with the streetscape design guidelines.

b. Building landscape.

Special planting areas associated with the building (e.g., accents and entryways) may include any of the plant materials identified on the City's approved list and available at the Department.

c. Ground cover.

All planting areas including the area of the public right-of-way shall be graded, prepared with pre-emergent, and finished in compliance with the established guidelines.

d. Irrigation.**(1) Street landscape irrigation.**

Streetscape improvements along the public right-of-way will be master-metered and irrigated by the City. Private property owners shall be responsible for the installation of the plant material and extension of the irrigation lines.

(2) Site landscape irrigation.

Irrigation of landscaping at the building or parking areas shall be provided by the private domestic water system. One half-inch bubbler shall be installed at each plant material and emitters shall not be allowed.

I. Signs.**1. General requirements.**

Signs shall be in compliance with the provisions of Chapter 14.38 (Signs) unless otherwise noted in this Section.

2. Project signs.

- a. Each block within the Southgate Commercial Overlay District shall be entitled to one project sign identifying the block as a commercial center located at each driveway entry to the master parking-in-common areas.
- b. The project sign shall be a monument-type sign limited to 50 square feet in area, including the base.

3. Wall signs.

- a. In addition to the wall sign area allowed for each parcel in Chapter 14.38 (Signs) an additional 30-square foot sign of consistent design and lettering shall be allowed on the parking area screen wall facing the right-of-way.
- b. No wall signs shall be allowed facing any abutting residential zoning district except for identification only, not to exceed six square feet in area.

J. Parking lot lighting.

1. Parking area lighting shall be a solar-powered area light 20 feet in height with a high efficiency photovoltaic array, 35-watt low pressure sodium lamp, deep cycle battery, and 14 gauge steel battery enclosure.
2. The solar powered area light shall be located only in landscape areas and may not be installed in the open paving of the parking area.
3. One area lighting fixture, as identified in Subparagraph 1, above, shall be installed for each lot in the required landscape area as designated on the master parking-in-common plan.

14.14.070 - Medical Overlay District**A. Purpose.**

1. The purpose of this Section is intended to promote and encourage the maintenance and concentration of existing and proposed healthcare facilities and their related uses. The district is intended to include primarily the principal structures and related facilities of each healthcare institution. The district will establish and maintain reasonable balance between the need for growth of healthcare facilities and the preservation and buffering of nearby residential areas.
2. Encourage and accommodate the expansion of healthcare institutions, in order to promote job retention and creation and to provide quality healthcare for the region.
3. Allow for the vertical construction of modern day hospitals and facilities, above two stories within the exiting C-1 or C-O zoning districts.
4. Create a centralized healthcare district for ease of patient access and consolidation of physician facilities.

B. Relationship to underlying zoning district standards.

The provisions of the Medical Overlay District standards are intended to combine with the provisions of the underlying base zoning districts. In cases of conflicts between standards of the underlying zoning district and the standards of the Medical Overlay District, the development and use standards of the Medical Overlay District shall apply.

C. Permitted uses.

1. Hospitals
2. Medical Offices
3. Medical Clinics
4. Ambulance Services related to hospital or medical building uses and be subordinate to the primary use of the property.
5. Medical Laboratories
6. Retail and Medical Related Services
7. Parking structures directly related to a medical use and must be accessory or subordinate to the primary use of a property

8. Uses allowed by the underlying G-1 or C-O zoning district provided the proposed use is sited in compliance with the design standards contained in this Section with the exception of sale of alcohol, sale of automobile (new and parts), bars, clubs, cocktail lounges, electrical appliances, food markets (groceries), furniture, hardware, self-serve laundries, and the sale and repair of shoes.

D. Design standards.

1. General requirements.

- a. Site and architectural design shall comply with the applicable provisions of Chapter 14.30 (General Development Standards) unless otherwise noted within this Section.

- b. A use shall not be established nor shall a building permit be issued for a new building or structure, or for the substantial alteration of any existing use, building or structure, until an application including elevations, plans, drawings, site plans and other documents have been reviewed and approved by the Planning Commission.

- c. A medical overlay district shall not be established on less than three (3) acres of land.

- d. Additional lots may be implemented into an existing overlay district through the Planned Development process with a minimum of fifty (50) contiguous feet of lot line or right-of-way unless the Planning Commission finds that property with less than fifty (50) feet of contiguous lot line or right-of-way is suitable to be implemented into the medical overlay district by virtue of its character, topography, or qualifying as an isolated problem area.

2. Maximum building height.

- a. Hospitals – structures shall be limited to sixty (60) feet in height excluding parapets, helipads, stair enclosures, and non-habitable roof top enclosures.

- b. Office and Medical Offices – structures shall be limited to forty (40) feet in height excluding parapets and non-structural elements.

- c. Parking Structures – structures shall be limited to forty-two (42) feet in height excluding helipads, stair enclosures, and non-habitable roof top enclosures.

3. Setbacks.

- a. Front – no building can extend beyond a plane established from the centerline of the street which extends to a 1:1 ratio toward the structure with a minimum of ten (10) feet from front property line adjacent to a street as depicted in Figure A on page 2-52.

- b. Permitted encroachments into front setback.

- (1) Belt courses, sills, lintels, and pilasters may project eighteen (18) inches.

- (2) Cornices, eaves, gutters may project three (3) feet into the front setback.

- (3) Outside stairways may project five (5) feet into the front setback and access ramps for the handicapped may encroach into any required building setback,

providing no alternative location is available and providing the ramp construction is compatible with the character of the structure.

- (4) Unwalled porches, terraces, and balconies may extend five (5) feet into the front setback.
- (5) Chimneys not to exceed six (6) feet in width may project eighteen (18) inches into the front setback.
- (6) Building accessories designed and intended to control light entering a building and being a permanent part of the building may project five (5) feet into front setback.
- (7) Building accessories designed and intended to control light entering a building and not being a permanent part of such building, by being removable therefrom and not being attached to a load-bearing member thereof, may project any distance into the setback area.
- (8) Canopies may project any distance into the front setback.
- (9) Any structure of part thereof which is below the grade of any setback may project any distance into such setback area.
- (10) Gas and electric meters may project three (3) feet into the front setback space if screened on all sides by a masonry wall. Utility pedestals, transformers, or similar equipment may be installed in the setback providing they do not exceed a height of three (3) feet.

4. Pedestrian circulation and landscape plan.

A pedestrian walkway and landscaping area is required within the internal portion of each property within the overlay district. The walkway and landscaping shall be developed in a manner to ensure continuity with adjacent properties. The landscaping may include any of the plant materials approved by Lake Havasu City and listed in that document entitled 'Lake Havasu City Water Conserving Plant List' declared a public document by Resolution 90-265 as amended is adopted by reference as if fully set forth herein. The specific layout and design of the pedestrian walkway and landscaping will be approved through the planned Development Process.

5. Fences, walls and retaining walls.

Fences, walls and retaining walls not exceeding forty-eight (48) inches in height may be erected within any portion of the front setback area; provided, however:

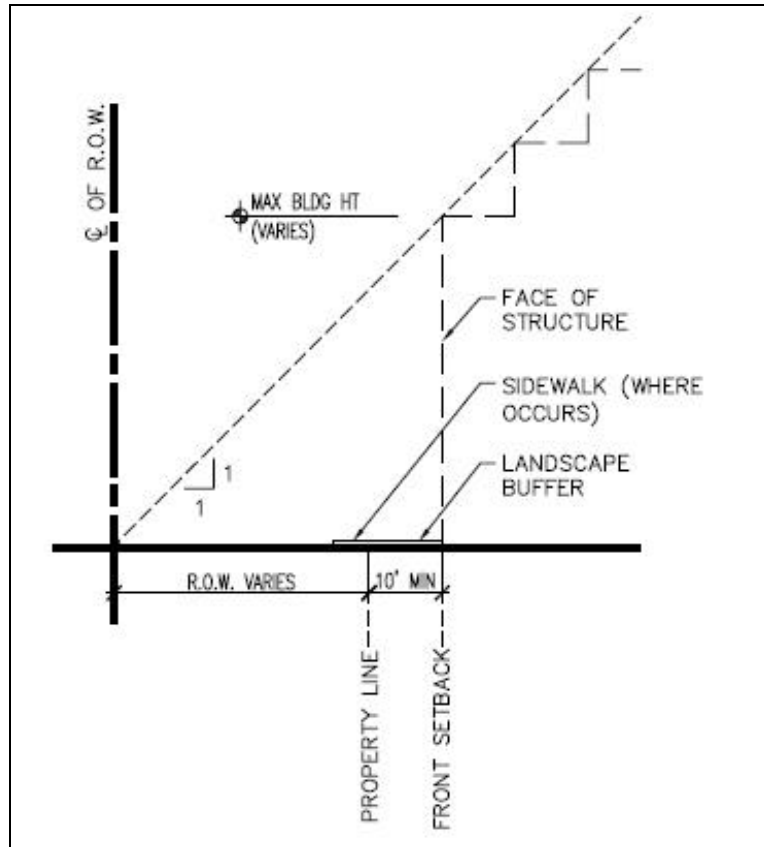
- a. Retaining walls abutting public rights-of-way may be built to any height;
- b. Schools, public parks and/or playgrounds may erect open mesh fences to any height;
- c. On a corner lot, fences and walls may be built on the rear property line and on the front property line from the rear property line forward to the rear of any structure if the corner lot meets the following criteria:
 - (1) Is located on a block oblong in shape;
 - (2) The structure on the property faces a longer dimension of the block; and
 - (3) All lots on the same shorter dimension of the same block are either vacant or do not have a structure facing the shorter dimension of the block.

- d. The materials used for walls, fences and retaining walls shall consist of wood, brick, masonry, wire mesh, metal bars not exceeding one and one-half (1.5) inches in diameter or other materials which may be approved by the zoning administrator. Salvaged doors and corrugated or sheet metal will be prohibited.
- 6. Parking Requirements.
 - a. Hospitals – 2.5 spaces per licensed patient bed.
 - b. Parking standards for other permitted uses must comply with the applicable provisions of Section 14.36.030.

E. Legal nonconforming uses and structures.

Nonconforming uses and structures legally existing on or before the effective date of this Section may continue; provided that when the uses or structures are modified by fifty (50) percent or more in area, value, or use, the uses and structures shall be brought into compliance with the provisions of this Section.

TABLE A



Overlay Zoning Districts

14.14

ARTICLE 1

Purpose and Applicability of Development Code

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Contents

CHAPTER 14.01 - ENACTMENT AND APPLICABILITY OF DEVELOPMENT CODE

Sections:

- 14.01.010 - Title
- 14.01.020 - Purpose and Intent of Development Code
- 14.01.030 - Authority
- 14.01.040 - Responsibility for Administration
- 14.01.050 - Applicability of the Development Code
- 14.01.060 - Interpretation of Development Code

14.01.010 - Title

Title 14 of the Lake Havasu City Municipal Code is and may be cited as the Lake Havasu City Development Code, hereafter referred to as "this Development Code."

14.01.020 - Purpose and Intent of Development Code

The purpose of this Development Code is to implement the policies of the Lake Havasu City General Plan by classifying and regulating the uses of land and structures within Lake Havasu City. In addition, this Development Code is adopted to protect and to promote the public health, safety, and general welfare of residents, and preserve and enhance the aesthetic quality of the City. To fulfill these purposes, it is the intent of this Development Code to:

- A. Provide standards for the orderly growth and development of the City, and promote a stable pattern of land uses;
- B. Implement the uses of land designated by the Lake Havasu City General Plan and avoid conflicts between land uses;
- C. Maintain and protect the value of property;
- D. Conserve and protect the open space, scenic beauty, and other natural resources of the City;
- E. Protect the character, and social and economic stability of residential, commercial, and industrial areas; and
- F. Assist in maintaining a high quality of life without causing unduly high public or private costs for development or unduly restricting private enterprise, initiative, or innovation in design.

14.01.030 - Authority

This Development Code is enacted based on the authority vested in Lake Havasu City by the State of Arizona, including but not limited to the Arizona State Constitution and Planning and Zoning Law.

14.01.040 - Responsibility for Administration

This Development Code shall be administered by the Lake Havasu City Council, Planning Commission, Development Services Director or duly appointed designee of the Development Services Director, and the Development Services Department.

14.01.050 - Applicability of the Development Code

This Development Code applies to all land uses, subdivisions, and development within Lake Havasu City, as provided by this Section.

A. New land uses or structures, changes to land uses or structures.

It shall be unlawful, and a violation of this Development Code for any person to establish, construct, reconstruct, alter, or replace any use of land or structure, except in compliance with the requirements of Chapter 14.06 (Land Use and Development Approval Requirements), and Chapter 14.34 (Nonconforming Uses, Structures, and Lots).

B. Subdivisions.

Any subdivision of land proposed within the City after the effective date of this Development Code shall be consistent with the minimum lot size requirements of Article 2 (Zoning Districts, Allowable Land Uses, and Zone Specific Standards), the subdivision requirements of the Lake Havasu City Subdivision Ordinance, and all other applicable requirements of this Development Code.

C. Continuation of an existing land use.

An existing land use is lawful and not in violation of this Development Code only when operated and maintained in compliance with all applicable provisions of this Development Code, including Chapter 14.34 (Nonconforming Uses, Structures, and Lots). However, the requirements of this Development Code are not retroactive in their effect on a land use that was lawfully established before the effective date of this Development Code or any applicable amendment.

D. Effect of Development Code changes on projects in progress.

A land use permit application that has been accepted by the Department as complete prior to the effective date of this Development Code or any amendment shall be processed in compliance with the requirements in effect when the application was accepted as complete.

E. Minimum requirements.

The provisions of this Development Code shall be the minimum requirements for the promotion of the public health, safety, and general welfare. When this Development Code provides for discretion on the part of a City official or body, that discretion may be exercised to impose more stringent requirements than identified in this Development Code, as may be necessary to promote orderly land use and development, environmental resource protection, and the other purposes of this Development Code.

F. Conflicting requirements:**1. Development Code and Municipal Code provisions.**

If conflicts occur between requirements of this Development Code, or between this Development Code, the Lake Havasu City Municipal Code, or other regulations of the City, the most restrictive shall apply.

2. Private agreements.

This Development Code applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction, without affecting the applicability of any agreement or restriction. The City shall not enforce any private covenant or agreement unless it is a party to the covenant or agreement.

G. Other requirements may apply.

Nothing in this Development Code eliminates the need for obtaining any other permits required by the City, or any permit, approval or entitlement required by the regulations of any regional, State, or Federal agency.

Enactment, Applicability 14.01

CHAPTER 14.02 - INTERPRETATION OF DEVELOPMENT CODE PROVISIONS

Sections:

- 14.02.010 - Purpose of Chapter
- 14.02.020 - Rules of Interpretation
- 14.02.030 - Procedures for Interpretations

14.02.010 - Purpose of Chapter

This Chapter provides rules for resolving questions about the meaning or applicability of any part of this Development Code. The provisions of this Chapter are intended to ensure the consistent interpretation and application of the requirements of this Development Code and the General Plan.

14.02.020 - Rules of Interpretation

A. Authority.

The Director has the authority to interpret any provision of this Development Code. Whenever the Director determines that the meaning or applicability of any Development Code requirement is subject to interpretation, the Director may issue an official interpretation. The Director may also refer any issue of interpretation to the Commission for their determination.

B. Language.

1. Abbreviated titles and phrases.

For the purpose of brevity, the following phrases, personnel and document titles are shortened in this Development Code. The City of Lake Havasu City is referred to as the "City." The Lake Havasu City Council is referred to as the "Council," the Development Services Director or their duly appointed designee is referred to as the "Director" and the Development Services Department is referred to as the "Department." The Lake Havasu City Development Code is referred to as "this Development Code." "Buildings and structures" are referred to as "structures."

2. Terminology.

When used in this Development Code, the words "shall," "must," "will," "is to," and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended; and "may" is permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise. The words "includes" and "including" shall mean "including but not limited to . . ."

C. Time limits.

Whenever a number of days is specified in this Development Code, or in any permit, condition of approval, or notice provided in compliance with this Development Code, the number of days shall be construed as calendar days. A time limit shall extend to the following working day where the last of the specified number of days falls on a weekend or holiday.

D. Calculations – Rounding.

Where provisions of this Development Code require calculations to determine applicable requirements, any fractional/decimal results of the calculations shall be rounded as provided by this Subsection.

1. Residential density, minimum lot area, and number of lots.

The fractional/decimal results of calculations of the number of dwelling units allowed on a lot based on maximum density requirements, and the number of lots allowed through subdivision based on a minimum lot area requirement, shall be rounded down to the next lowest whole number.

2. All other calculations.

For all calculations required by this Development Code other than those described in Subsection D.1 above, the fractional/decimal results of calculations shall be rounded to the next highest whole number when the fraction/decimal is 0.5 or more, and to the next lowest whole number when the fraction is less than 0.5.

E. Zoning Map boundaries.

See Chapter 14.04 (Zoning Map).

F. Allowable uses of land.

See Article 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards).

14.02.030 - Procedures for Interpretations

Whenever the Director determines that the meaning or applicability of any of the requirements of this Development Code are subject to interpretation generally, or as applied to a specific case, the Director may issue an official interpretation or refer the question to the Board of Adjustment (BOA) for determination.

A. Request for interpretation.

A request for an interpretation or determination of the meaning or applicability of any of the requirements of this Development Code shall be filed with the Department and shall include specific provisions in question, and any other information necessary to assist the Director's review.

B. Appeals.

Any interpretation of this Development Code by the Director or Commission may be appealed in compliance with Chapter 14.60 (Appeals).